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The U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor

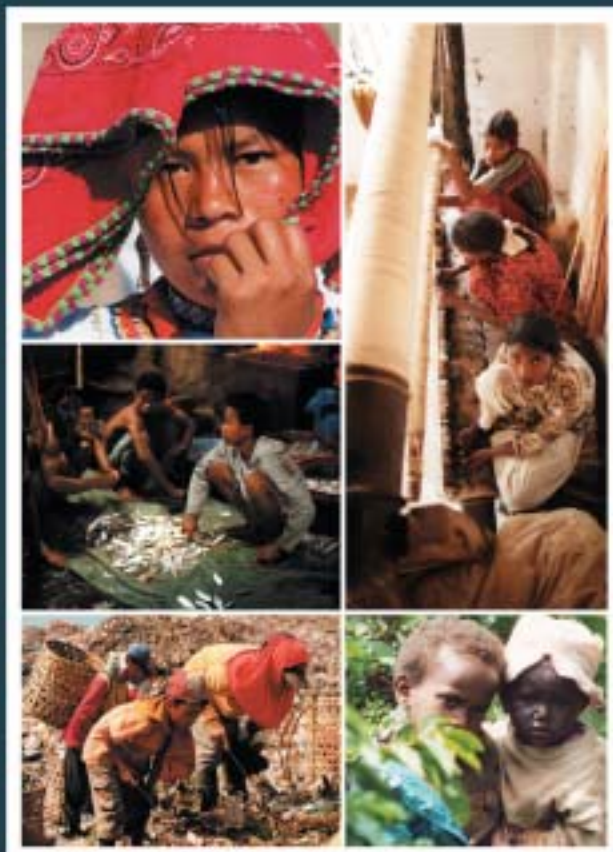
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THE U.S. DEPARTMENT OF LABOR'S
2003 FINDINGS
ON THE **WORST** FORMS OF
CHILD LABOR



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

Report Required by the Trade and Development Act of 2000

2004



THE U.S. DEPARTMENT OF LABOR'S

2003 FINDINGS

ON THE **WORST** FORMS OF
CHILD LABOR



U.S. Department of Labor
Bureau of International Labor Affairs
Report Required by the Trade and Development Act of 2000

**SECRETARY OF LABOR
WASHINGTON**

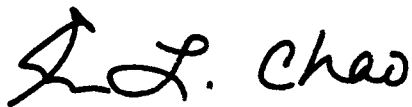
APR 29 2004

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510-0012

Dear Mr. President:

The enclosed report, entitled "The Department of Labor's 2003 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 144 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, appearing to read "E.L. Chao". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Elaine L. Chao

Enclosure

SECRETARY OF LABOR
WASHINGTON

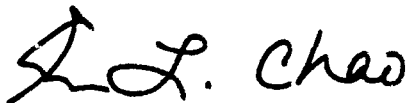
APR 29 2004

The Honorable J. Dennis Hastert
Speaker of the House
of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

The enclosed report, entitled "The Department of Labor's 2003 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 144 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.

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Elaine L. Chao

Enclosure

TABLE OF CONTENTS

Acknowledgments	ix	Equatorial Guinea	143
Foreword	xi	Eritrea	145
Preface	xiii	Estonia	148
Introduction	xviii	Ethiopia	151
Data Sources	xxxiii	Fiji	155
Acronyms	xxxvii	Gabon	157
Glossary of Terms	xxxix	The Gambia	161
Afghanistan	1	Georgia	164
Albania	5	Ghana	166
Angola	9	Grenada	170
Antigua and Barbuda	13	Guatemala	172
Argentina	15	Guinea	178
Armenia	19	Guinea-Bissau	182
Bahrain	22	Guyana	185
Bangladesh	24	Haiti	187
Barbados	29	Honduras	191
Belize	31	Hungary	196
Benin	34	India	199
Bhutan	38	Indonesia	203
Bolivia	41	Jamaica	208
Bosnia and Herzegovina	46	Jordan	212
Botswana	50	Kazakhstan	215
Brazil	52	Kenya	219
Bulgaria	58	Kiribati	223
Burkina Faso	62	Kyrgyzstan	225
Burundi	66	Latvia	229
Cambodia	69	Lebanon	233
Cameroon	74	Lesotho	237
Cape Verde	79	Lithuania	239
Central African Republic	81	Macedonia	242
Chad	84	Madagascar	245
Chile	87	Malawi	248
Colombia	91	Mali	253
Comoros	95	Mauritania	257
Congo, Democratic Republic of the	97	Mauritius	260
Congo, Republic of	101	Moldova	263
Costa Rica	104	Mongolia	266
Côte d'Ivoire	109	Morocco	270
Croatia	114	Mozambique	275
Czech Republic	117	Namibia	280
Djibouti	120	Nepal	282
Dominica	122	Nicaragua	287
Dominican Republic	124	Niger	292
Ecuador	129	Nigeria	296
Egypt	134	Oman	300
El Salvador	139	Pakistan	302

Panama	307	Sri Lanka	376
Papua New Guinea	312	Suriname	381
Paraguay	314	Swaziland	384
Peru	318	Tanzania	386
Philippines	323	Thailand	391
Poland	329	Togo	396
Romania	332	Tonga	400
Russia	337	Trinidad and Tobago	402
Rwanda	341	Tunisia	404
Saint Kitts and Nevis	345	Turkey	407
Saint Lucia	347	Tuvalu	412
Saint Vincent and the Grenadines	349	Uganda	414
Samoa	352	Uruguay	419
São Tomé and Príncipe	354	Uzbekistan	423
Senegal	357	Vanuatu	426
Seychelles	360	Venezuela	428
Sierra Leone	362	Yemen	431
Slovak Republic	365	Zambia	435
Solomon Islands	368	Zimbabwe	439
Somalia	370	Territories and Non-Independent Countries	444
South Africa	372		



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Cover photos: Robin Romano



FOREWORD

Two years ago, when Congress enacted Trade Promotion Authority in the Trade Act of 2002, the United States gained a unique opportunity to open up new overseas markets for U.S. exporters and generate more high paying jobs for Americans. But Trade Promotion Authority has done more than stimulate the free exchange of goods that is essential to economic growth in America. It has also strengthened our nation's position as a global leader in the expansion of economic freedom, democracy, and human rights in Asia, Africa, Europe, Latin America, and the Middle East.

Through the opening of new markets with our free trade partners, America can help to alleviate the devastating poverty experienced by many families in developing countries. Addressing this poverty can give parents in developing nations hope for their children's future. As important as this is to individual families, it is equally critical for nations as a whole. The future of entire nations depends on the quality and range of opportunities that are provided to their children, such as a chance to be educated in a good school under the guidance of a well-trained teacher; access to quality health care; and access to nutritious and affordable food. It also depends on the provision and protection of basic, internationally recognized human rights, including the right to freedom from exploitative child labor. Eliminating exploitative child labor will not only help provide children with opportunities to learn and grow, but can also help create more employment opportunities for adults.

In this third 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 provide new, updated information on the nature and extent of child labor in 144 trade beneficiary countries and territories. The report describes the type of work that children are doing, the laws and enforcement policies that exist to protect them, and the efforts being made by their governments to meet international commitments to eliminate the worst forms of child labor. In this year's report, readers will note that many governments, on their own or in collaboration with other foreign governments, non-governmental organizations or individuals, have initiated significant, innovative policies or programs to address the worst forms of child labor. A number of these new child labor and education initiatives were given impetus by the bilateral agreements developed under the Trade Act of 2002. It is our hope that in the coming year, more free trade agreements and stronger partnerships can be forged to further support the significant gains that have already been made in eliminating exploitative child labor.

Arnold Levine

Deputy Under Secretary for International Affairs

U.S. Department of Labor

April 19, 2004

PREFACE

Congressional Mandate and Legislative Requirement

This report was prepared in accordance with Section 412(c) of the Trade and Development Act of 2000 (TDA), Pub.L. 106-200.¹ Section 504 of the Trade Act of 1974 (Trade Act) requires the President to submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary country.² Section 412(c) of the TDA amended the Trade Act by expanding the annual report to include “the findings of the Secretary of Labor with respect to the beneficiary country’s implementation of its international commitments to eliminate the worst forms of child labor.”³ The countries referenced in the legislation are those countries that may be designated as beneficiaries under the U.S. Generalized System of Preferences (GSP),⁴ and includes GSP countries designated to receive additional benefits under the Caribbean Basin Trade Partnership Act (CBTPA) and African Growth and Opportunity Act (AGOA).⁵

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.⁶ The GSP program was enacted by Title V of the Trade Act of 1974.⁷ When the Trade and Tariff Act of 1984 reauthorized the program, new eligibility criteria included a requirement that countries take steps to afford internationally recognized worker rights.⁸ The TDA expanded the GSP eligibility criteria further to include a new criterion on the worst forms of child labor. The new criterion specifies that the President shall not designate any country a beneficiary developing country if “[s]uch country has not implemented its commitments to eliminate the worst forms of child labor.”⁹

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

² *Ibid.*, Section 2101 et seq.

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

⁴ *Ibid.*, Section 2461.

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

⁶ *Trade Act*, Section 2461.

⁷ *Ibid.*, Section 2461-67.

⁸ *Ibid.*, Section 2462(b)(2)(G) and (c)(7). Internationally recognized worker rights are defined to include the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wage, hours of work and occupational safety and health. See *Trade Act*, Section 2467 (4). For a complete listing of ineligibility criteria under the GSP, see *Trade Act*, Section 2462 (b).

⁹ *Trade Act*, Section 2462(b)(2)(H).

The Worst Forms of Child Labor

The definition of the worst forms of child labor provided in Section 412(b) of the TDA¹⁰ is as follows:

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

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

The definition of the worst forms of child labor provided in the TDA is substantially similar to that of ILO Convention 182¹¹ except that the Convention specifies that the work referred to above in subparagraph D “...shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards...”.¹² 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 and the TDA with respect to the fourth category of the worst forms. Since there is no universally accepted set of activities that falls into subparagraph (D), ILO Recommendation 190 on the worst forms of child labor provides certain guidelines countries may consider in determining what constitutes a worst form of child labor under this category.¹³

¹⁰ *Trade Act*, Section 2467(6).

¹¹ ILO 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 November 2003, more than 140 countries had ratified Convention 182.

¹² ILO, *C182 Worst Forms of Child Labour Convention, 1999*, in ILOLEX, [database online] 2002 [cited January 5, 2004]; available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

¹³ 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.

Structure of the Report

The report provides individual profiles on 125 independent countries and a summary report on 19 non-independent countries and territories designated as GSP beneficiaries and/or beneficiaries under the CBTPA and AGOA. 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. Furthermore, because individual countries determine what constitutes a worst form of child labor under subparagraph (D), there is no universally accepted definition of all the worst forms of child labor. Finally, data and information on the incidence of the worst forms of child labor is often unavailable, due to the hidden nature of such activities. Therefore, the report presents as complete a picture as possible of the child labor situation in a country or territory. Each of the profiles consists of 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 a 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 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 or from light work performed by children. In most instances overall child labor information is reported because data specifically on the worst forms are not available.

Also included in this section is information on laws and policies that set educational requirements for children, as well as a brief assessment of children's involvement in primary schooling.¹⁴ 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.¹⁵ 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 138 on Minimum Age for Employment and 182 on the Worst Forms of Child Labor.

¹⁴ 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.

¹⁵ For a description of this data and a discussion of its limitations, please see the "Data Sources" section of this report.

Sources of Information

In preparing this report, the U.S. Department of Labor relied primarily on information garnered from the Department of State and U.S. consulates and embassies abroad. Also relied upon are a wide variety of reports and materials originating from foreign 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.¹⁶

¹⁶ U.S. Department of Labor, “Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor,” *Federal Register* vol. 68 no. 125 (June 30, 2003), 38722-24.

INTRODUCTION



Photo: Robin Romano

A young girl prepares bricks for firing.

Five years after the unanimous adoption of International Labor Organization Convention No. 182 by the 87th session of the International Labor Organization Conference, millions of children around the world continue to be the victims of poverty, armed conflict, lack of educational opportunities, and health pandemics such as HIV/AIDS. The most vulnerable members of society, they too often work in situations that are illegal, hazardous, exploitative, or forced—as miners, prostitutes, soldiers, drug smugglers, or bonded laborers.

These forms of child labor are considered by the international community to be “worst forms,” because they threaten the health, safety, and moral development of young people. The worst forms also interfere with children’s intellectual development by preventing their attendance and effective participation in school. In addition, this type of labor perpetuates poverty, since children who work, rather than attend school, are more likely to earn a lower income in the future.

Despite the persistence of child exploitation around the world, important steps have been taken in the past year to eradicate the worst forms of

child labor. Since last year’s report, an additional 14 governments have ratified ILO Convention No.182, bringing the total number to 147 ratifications by ILO member countries. At the same time, an additional eight countries have ratified ILO Convention No. 138, bringing the total number to 131 ratifications by ILO members. In addition, more governments have ratified the UN Optional Protocols to the Convention on the Rights of the Child: 35 nations have now ratified the Optional Protocol on the involvement of children in armed conflict and 43 countries have ratified the Optional Protocol on the sale of children, child prostitution, and child pornography.

Since the end of 2002, four additional countries have also signed Memoranda of Understanding with ILO-IPEC, enabling this UN institution to collaborate with a record 84 governments on child labor projects.¹ Not only are more countries initiating child labor projects, governments are also making child labor eradication a central goal of their development strategies. The Government of **Yemen** has committed to proactively address child labor as part of its larger national development goals, outlined in its Poverty Reduction Strategy Paper, developed in coopera-

tion with the World Bank. The Governments of **Pakistan** and **Senegal** are participating in ILO-IPEC Timebound Programs and combine the fight against child labor with their Poverty Reduction Strategies plans.²

Growth has also continued in the Education for All (EFA) movement – an international effort begun in April 2000 to promote, among other goals, universal primary education by 2015. In October 2003, the Government of **Honduras** signed a Memorandum of Understanding with representatives of the World Bank and other donors that coordinates the support of various partners to help Honduras reach its EFA goals.³

In FY 2003, USDOL provided USD 82 million for technical assistance to eradicate the worst forms of child labor. With donor support and continuous innovation by governments, international organizations, and NGOS, countries are making progress in eliminating the worst forms of child labor, and providing children and their families with alternatives to exploitative work. The following pages illustrate some of these worst forms and the steps the international community is taking to eliminate them.

¹ ILO-IPEC, *IPEC Action Against Child Labour 2002-2003: Progress and Future Priorities*, Geneva, October 2003, 19.

² ILO-IPEC, *Supporting the Timebound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, Geneva, September 2003. See also ILO-IPEC, *Support for the implementation of the Senegal Timebound Programme*, Geneva, September 12, 2003, 7.

³ World Bank, *Honduras, Donors Commit To Education For All*, Washington, DC, November 3, 2003; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20135356~menuPK:34459~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

TRAFFICKING



Photo: Robin Romano

Many children are trafficked into commercial sexual exploitation.

TRAFFICKING

Child trafficking can be defined as the recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation. The United Nations estimates that approximately 1.2 million children are trafficked internally or externally each year.⁴ Internal, cross-border, or international trafficking of children can happen through means including coercion, abduction, or kidnapping.⁵ Girls are primarily trafficked for commercial sexual exploitation, domestic service, and even for forced marriages in other countries. While boys are not untouched by the sex trade, they are mostly trafficked to work in agriculture, mining, manufacturing, organized begging, and in armed conflict situations.⁶ Gender and ethnic discrimination make girls and children from various minority groups especially vulnerable to trafficking.



■ AND LAW ENFORCEMENT

IMPROVING LEGISLATION

Governments across the world are creating and implementing new policies, legislation and law enforcement strategies to eliminate the trafficking of persons. Over the course of the year, the Governments of **Bulgaria, Burkina Faso, the Dominican Republic, Haiti, Lithuania, Nigeria, and the Philippines** adopted new trafficking laws, all of which incorporate provisions for the special protection of children with measures calling for stricter penalties for trafficking violations that include children. The Governments of **Afghanistan, Croatia, Indonesia, Lithuania, and Nepal** also developed national plans to specifically address the trafficking and commercial sexual exploitation of children. In May 2003, the Governments of **Cambodia and Thailand** signed a Memorandum of Understanding in which they pledged to cooperate in the fight against the trafficking of women and children.

⁴ UNICEF UK, *End Child Exploitation: Stop the Traffic*, UNICEF, London, July 2003, 10.

⁵ U.S. Department of State, *Trafficking in Persons Report*, Office of the Under Secretary for Global Affairs, Washington, D.C., June 2003.

⁶ UNICEF UK, *End Child Exploitation: Stop the Traffic*, 6-7.

COMMERCIAL SEXUAL EXPLOITATION



Photo: Robin Romano

Children involved in commercial sexual exploitation are at increased risk for contracting HIV/AIDS.

EXPLOITATION

Children who are victims of commercial sexual exploitation work as prostitutes in bars, hotels, massage parlors, or on the streets; participate in various forms of child pornography; and are exploited by tourists as well as armed groups. Such children are at risk of physical violence, early pregnancy, and sexually transmitted diseases, including HIV/AIDS. An estimated 1.8 million children worldwide were involved in commercial sexual exploitation in 2000.⁷ Due to the clandestine nature of the activity and the shame associated with it, however, estimates such as this may understate the extent of the problem. For example, a 2003 estimate from UNICEF suggests that there are approximately one million children involved in commercial sex in Southeast Asia alone.⁸



■ FROM COMMERCIAL SEXUAL EXPLOITATION

PREVENTING AND WITHDRAWING CHILDREN

The Government of **Costa Rica** is at the forefront of international efforts to address the commercial sexual exploitation of children. With the support of the Government of Canada, Costa Rica is participating in an ILO-IPEC Timebound Program that includes activities to prevent and withdraw children from commercial sexual exploitation. The project targets the Brunca region, which has Costa Rica's lowest school attendance rates at both the primary and secondary levels. Prevention efforts will focus on awareness raising and social mobilization activities within communities. In order to withdraw children from commercial sexual exploitation, local officials will be trained on how to enforce existing legal instruments to protect children. Individual interventions will be personalized for former child victims and their families. The range of services may include legal aid, psychosocial rehabilitation, and vocational training for or micro-credits to families.

⁷ ILO-IPEC (SIMPOC), *Every Child Counts: New Global Estimates on Child Labour*, Geneva, April 2002, 5; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/others/globalest.pdf>. ILO-IPEC defines commercial sexual exploitation of children here as child prostitution and pornography.

⁸ UNICEF UK, *End Child Exploitation: Faces of Exploitation*, UNICEF, London, July 2003, 19.

ARMED CONFLICT



Photo: USDOL

A former child soldier shares her experiences at the *Children in the Crossfire* conference hosted by USDOL May 7-8, 2003.

Children are used in armed conflict as soldiers, spies, guards, human shields, human minesweepers, servants, decoys and sentries. Some children are forced into prostitution and many are drugged to make it easier to force them to perform horrendous acts of violence and cruelty. Some victims are as young as 7 or 8, and many more are 10 to 15. Children who are orphans, refugees and victims of poverty or family alienation are particularly at risk. There are an estimated 300,000 children who are forced to fight by government-sponsored armed forces or by other armed groups in more than 30 conflicts around the world.⁹



■ REINTEGRATING CHILD SOLDIERS

REHABILITATING AND

Since 1994, the Government of **Colombia's** Institute for Family Welfare (ICBF) has conducted programs with support from USAID and the International Organization on Migration to assist child soldiers involved in the country's ongoing armed conflict. The ICBF contributes necessary furniture and equipment to support transitional homes for such children and conducts ongoing evaluation and monitoring of the reintegration services. The Government has also worked to develop legal norms for treatment of child ex-combatants and operates a program that finds housing and provides grants and training to demobilized child combatants. In 2003, the Government of Colombia began collaborating with ILO-IPEC on a new global project to prevent, demobilize and rehabilitate child soldiers.

⁹ ILO-IPEC (SIMPOC), *ILO-IPEC Every Child Counts*, 5.

HAZARDOUS LABOR



Photo: Robin Romano

Children working in garbage dumps are exposed to a variety of hazards.

Hazardous labor is the broadest category within the “worst forms of child labor.” ILO member countries who have ratified Convention No. 182 on the Worst Forms of Child Labor are required to define the types of work that are likely to endanger the health, safety or morals of a child, which may include work that exposes children to physical, psychological or sexual abuses; work at dangerous heights, underwater or in confined spaces; work that exposes children to dangerous machinery, hazardous substances, agents, or processes; and work for long hours, at night, or in confinement, among other conditions. Children engaged in hazardous labor may be found in commercial agriculture, mining, construction, brick making, carpet weaving, shipbuilding, domestic service, bidi (cigarette) rolling, deep-sea fishing, and a number of other sectors. Hazardous labor often involves very young children (whom the ILO defines as those below 12 years of age) and includes a large number of boys.¹⁰



■ SAFETY AND HEALTH

PROTECTING CHILDREN'S

Agriculture continues to be one of the largest sectors where children are found working. The ILO estimates that at least 70 percent of working children are engaged in agricultural tasks. These children often work for long hours in poor sanitary conditions, operate heavy machinery, carry heavy loads, or are exposed to toxic chemicals. The Governments of [Costa Rica](#), [El Salvador](#), [Honduras](#), [Guatemala](#), [Nicaragua](#), [Panama](#), and the [Dominican Republic](#) continue to work towards the elimination of child labor in agriculture. As part of a USD 3 million ILO-IPEC regional project funded by USDOL to prevent and eliminate hazardous agricultural work activities in the region, these governments will be working together to improve the occupational health and safety of adolescents who are of the minimum working age. In each of the participating countries, producers' and workers' associations will be trained to identify activities that place youth at risk and develop simple mechanisms for youth to utilize personal protective equipment to reduce risks. Research will also be undertaken to explore gender-specific risks and hazards for boys and girls working in agriculture.

¹⁰ Ibid., 23.

ILLICIT ACTIVITIES

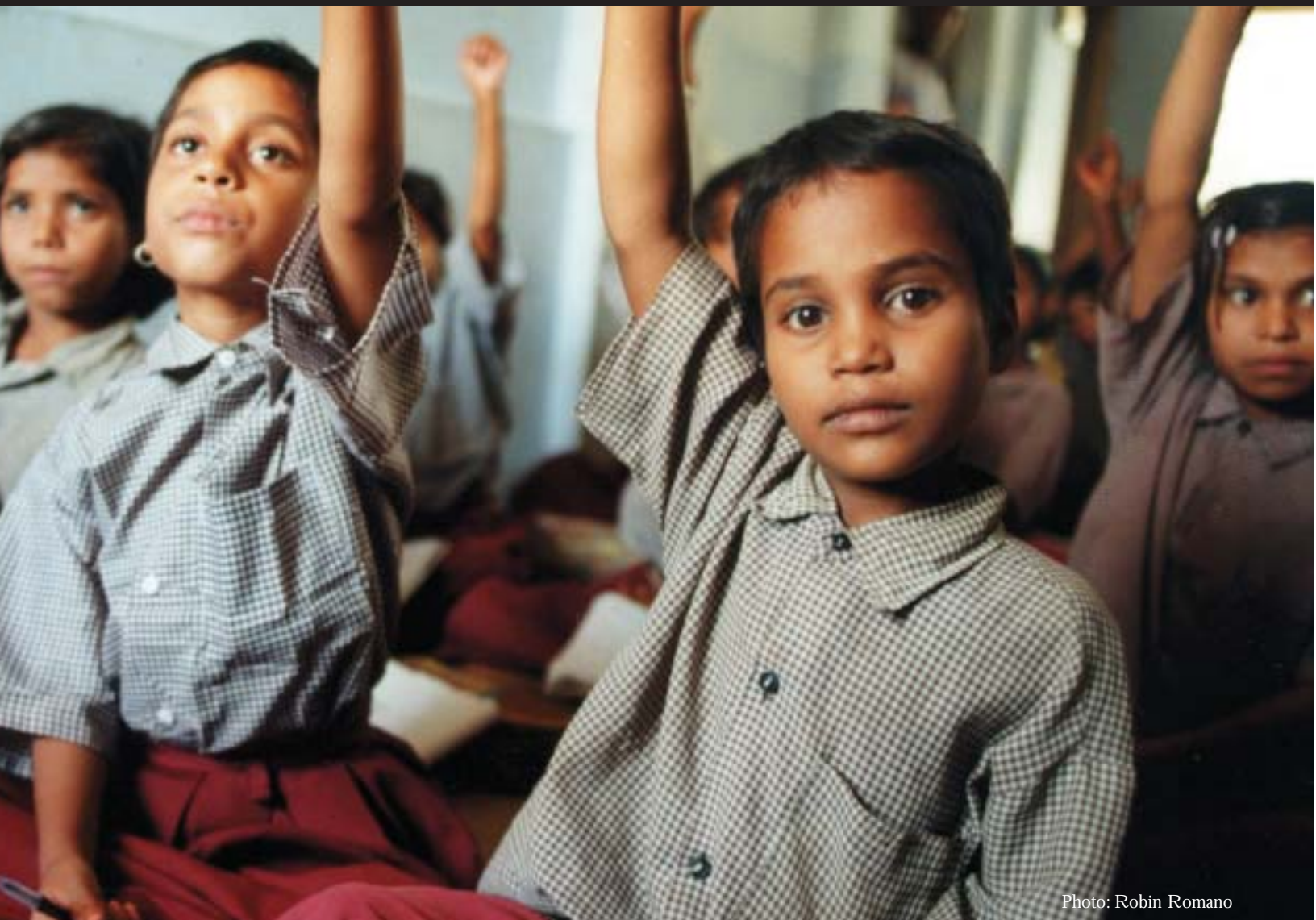


Photo: Robin Romano

Education and other services are alternatives to involvement in illegal activities.

Children may become involved in a variety of illicit activities, such as the buying and selling of contraband items or petty theft. Convention No. 182 specifically names the production and trafficking of drugs as one of the worst forms of child labor. Approximately 600,000 children are estimated to be involved in illicit activities worldwide.¹¹ In some Eastern European countries, for example, street children engage in illegal activities from petty theft to prostitution, often with the collaboration of organized crime rings. In some South American countries, children are sometimes involved in the cultivation of illicit drugs.



■ OPPORTUNITIES

CREATING

As a component of its new USD 4 million Timebound Program, the Government of **Indonesia** will collaborate with ILO-IPEC to prevent and remove children from involvement in the sale, production, and trafficking of drugs. Children will be provided with non-formal, vocational and formal schooling, and offered health and counseling services.

Several projects are underway in Europe to prevent children from becoming involved in illicit activities. With support from USAID and the EU, the Government of **Bulgaria** is instituting innovative education policies to attract and retain ethnic minority children in school, providing them with greater options than a life on the streets. In 2003, the Government of **Russia** began working with ILO-IPEC to develop a model rehabilitation project for working street children in the Leningrad region.

¹¹ Ibid., 5.

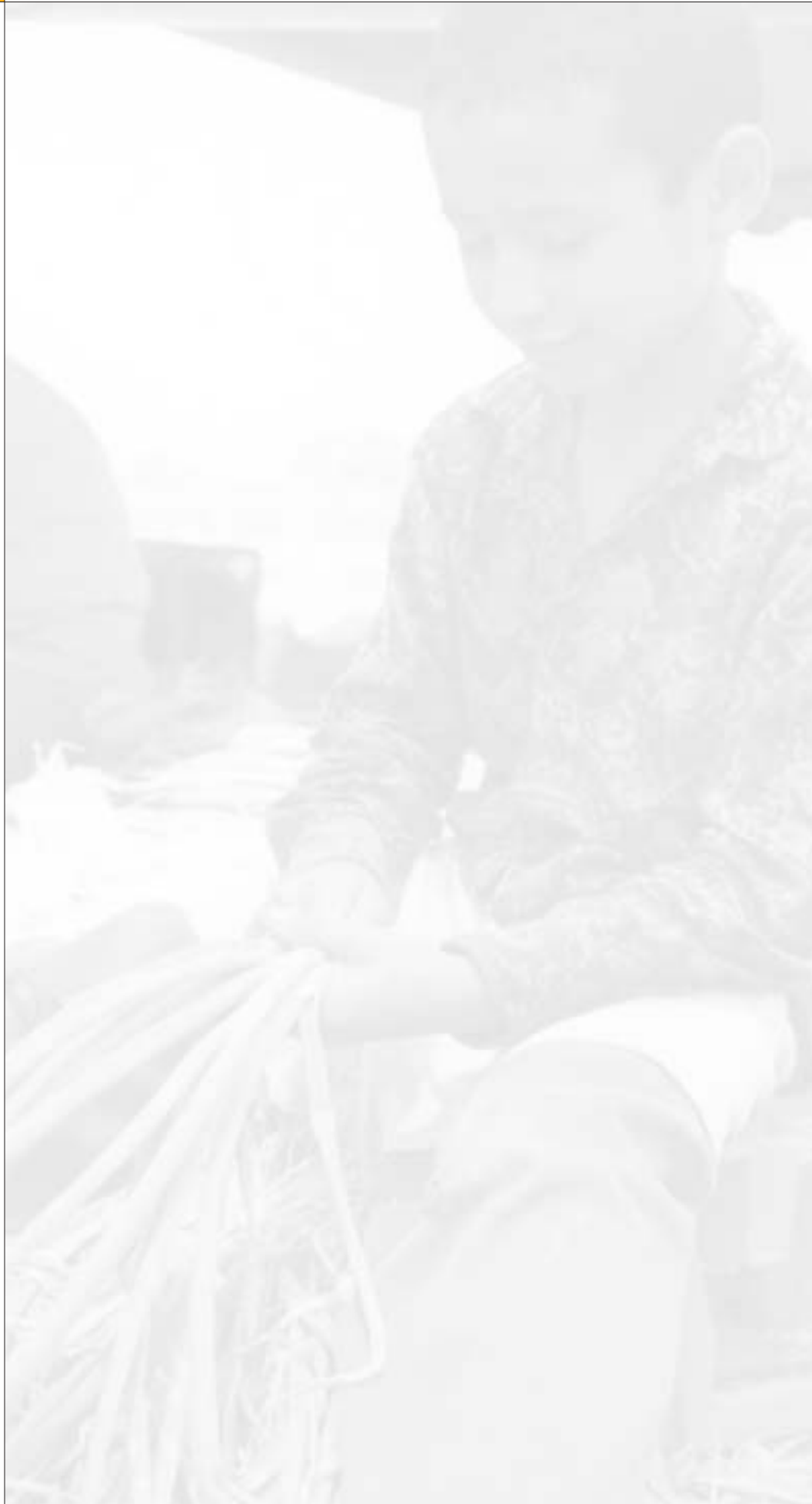
UNDERSTANDING CHILD LABOR



Photo: Robin Romano

A young boy harvests produce.

The country and territory profiles included in this report provide detailed information about the worst forms of child labor as they occur in each of the 144 U.S. trade beneficiaries around the world. In addition, because data on the worst forms of child labor is difficult to obtain, the report presents information on the various kinds of work in which children engage, some of which is considered to be detrimental to a child's development and schooling, and some of which is considered to be light work that is not harmful to a child. The report demonstrates both the nature and extent of child labor as well as the numerous commitments governments around the world are making to eliminate the worst forms of child labor in their own countries and across borders. New developments in the areas of national policies, legislation and law enforcement, direct action programs, and research and statistics are highlighted as they contribute to the elimination of child labor worldwide. It is our hope that this report will contribute both to a better understanding of the dire situations faced by working children around the world, and highlight the best practices that are being developed to improve the situation.



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 these surveys use to capture children working in the informal sector and domestic work. However, the methods for collecting data on the worst forms of child labor adequately capture the distinction between the worst forms and other forms of child labor.

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 complementary 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.²⁸ 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:

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.²⁹ Eleven child labor surveys were conducted under the direction ILO-STAT, and administered either as a stand-alone survey or a child labor module as a part of a country's existing labor force surveys. In 1998, ILO-IPEC launched SIMPOC in which 34 countries either have completed or are in the process of collecting child labor data.³⁰ The population of working children generally includes children between the ages of 5 and 17 who are employed, unemployed or domestic workers in their own household. Children who are working are either salaried, self-employed, unpaid family workers, or apprentices. Unlike traditional labor force surveys, the SIMPOC child labor surveys collect data on some work activities in the informal sector.³¹

²⁸ Despite the hazardous nature of some work activities, 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.

²⁹ ILO, *Child Labour Surveys: Results of Methodological Experiments in Four Countries*, Geneva, 1996.

³⁰ ILO-IPEC, *SIMPOC: Facts and Figures*, [previously online] [cited January 31, 2002]; available from <http://www.ilo.org/public/english/standards/ippec/simpoc/factsheet.htm>.

³¹ ILO, *Child Labour Surveys*.

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.³² The MICS questionnaire includes 75 indicators for monitoring children's rights such as child labor, child survival and health, child nutrition, maternal health, water and sanitation, and education. Child labor measures consist of children between the ages of 5 and 14 who are paid, unpaid, or work at least 4 hours a day in domestic work.³³ About 49 developing countries included the child labor indicator in their MICS questionnaire;³⁴ to date, 28 countries have submitted their national reports to UNICEF.³⁵

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.³⁶

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

Child labor force participation rates are taken from the World Bank's World Development Indicators 2003 or the ILO's on-line database for labor statistics, which are based on data from the 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 between the ages of 10 and 14.³⁷ 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.³⁸

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 2003 or the Education For All 2000 Assessment. Gross and net primary school attendance rates were mostly obtained from USAID's Global Education Database.

³² UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Background*, [online] [cited November 6, 2003]; available from <http://childinfo.org/MICS2/Gj99306m.htm>.

³³ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Annex 1: Indicators for Monitoring Progress at End-Decade*, [online] [cited November 6, 2003]; available from <http://childinfo.org/MICS2/EDind/exdanx1.pdf>.

³⁴ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- Child Work*, [online] [cited November 6, 2003]; available from <http://childinfo.org/eddb/work/index.htm>.

³⁵ UNICEF, *UNICEF Statistics: End Decade Assessment: Multiple Indicator Cluster Survey- MICS2: National Reports*, [online] [cited November 6, 2003]; available from <http://childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm>.

³⁶ *Understanding Children's Work: An-Interagency Research Cooperation Project at Innocenti Research Centre*, [online] [cited November 6, 2003]; available from <http://www.ucw-project.org>.

³⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁸ ILO, *Source and Methods: Labour Statistics, Vol. 10: Estimates and Projections of the Economically Active Population 1950-2010*, Geneva, 2000.

World Development Indicators 2003 (WDI 2003)

The WDI 2003 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 2003 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.³⁹

Gross and net primary enrollment statistics in the country profiles primarily use data compiled in the WDI 2003. While the Department of Labor's 2002 Findings on the Worst Forms of Child Labor used similar 1998 data compiled in the WDI 2002, statistics presented in this year's report using data for the same year from the WDI 2003 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 2002 and WDI 2003 because enrollment statistics were not affected by the adjustments or corrections to the data were not needed.

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.⁴⁰

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.⁴¹

³⁹ World Bank, *World Development Indicators 2003*.

⁴⁰ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴¹ USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

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
EFA	Education for All
EU	European Union
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GNP	Gross National Product
GSP	Generalized System of Preferences
ICLP	International Child Labor Program
IDB	Inter-American Development Bank
ILO 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
PRSP	Poverty Reduction Strategy Paper
SIMPOC	Statistical Information and Monitoring Program on Child Labor
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USDA	United States Department of Agriculture
USDOL	United States Department of Labor
WFP	World Food Program
WHO	World Health Organization

GLOSSARY OF TERMS

Basic Education

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

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

Bonded Labor

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

Bonded labor typically occurs when a person needing a loan and having no security to offer, pledges his/her labor, or that of someone under his/her control, as a security for a loan. 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, (June 17, 1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>

Child Labor

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. This definition is derived from ILO Convention 138, which states that the minimum age of admission into employment or work in any occupations 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.”)

Source: ILO Convention No. 138, *Minimum Age for Admission to Employment*, (June 26, 1973); available from <http://www.ilo.org/ilolex/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 Labor: A Framework for Measurement," *International Labor Review* 139 (2000), 257-80.

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

Compulsory Education

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

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

Domestic Servants

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

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

Education for All

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

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

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

Fast-Track Initiative

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

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

Forced Labor

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

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

Source: ILO Convention No. 29, *Forced Labor (1930)*; available from <http://www.ilo.org/public/english/dialogue/actrav/enviro/backgrnd/ilohrcon.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://www.ilo.org/public/english/standards/ipecc/ratification/convention/text.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," [online], [cited November 5, 2003]; 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. Therefore, it is possible for gross primary enrollment rates to exceed 100. The gross primary enrollment ratio describes the capacity of a school system in relation to the size of the official school-age population. For example, a ratio of 100 percent indicates that the number of children actually enrolled, including those outside the official age range, is equivalent to the size of the official primary school-age population. It does not mean that all children of official primary school age are actually enrolled. If the ratio was so misinterpreted, it would overstate the actual enrollment picture in those countries in which a sizable proportion of students are younger or older than the official age owing to early or delayed entry or to repetition. In many countries, the official primary school-age group is 6-11 years. The differences in national systems of education and duration of schooling should be considered when comparing the ratios.

Source: USAID, "UNESCO Indicator Definitions for GED Online," [online], [cited November 5, 2003]; 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://www.ilo.org/ilolex/english/convdisp2.htm>. See also ILO Convention No. 182, *Worst Forms of Child Labor*, (1999); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

ILO Convention 138: Minimum Age for Admission to Employment

ILO Convention 138 serves as the principal ILO standard on child labor. This convention, adopted in 1973 and ratified by 131 nations, provides the basis for the definition of the term "child labor" that is used in this report. (See definition of "child labor.") State Parties to 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: Ratifications are current as of November 2003. See also ILO Convention No. 138, *Minimum Age for Admission to Employment* (1973); available from <http://www.ilo.org/ilolex/english/convdisp2.htm>.

ILO Convention 182: Worst Forms of Child Labor

ILO Convention 182 was adopted in 1999 and has been ratified by 147 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://www.ilo.org/ilolex/english/convdisp2.htm>. See also U.S. Department of Labor, "About Child Labor," [online]; available from http://www.dol.gov/ILAB/programs/iclp/about_iclp.htm. Ratifications are as of November 2003.

ILO-IPEC Associated Members

Associated members of ILO-IPEC (the International Labor Organization's International Program on the Elimination of Child Labor) are countries in which ILO-IPEC has initiated child labor projects with the permission of the country's government, but which have not yet signed a formal Memorandum of Understanding (see also definitions for "ILO-IPEC Program Countries" and "IPEC"). As of December 2003, there were 29 associated members of ILO-IPEC.

*Source: ILO-IPEC, "All About IPEC," [online]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm. See also ILO-IPEC, *IPEC Action Against Child Labor 2002-2003: Progress and Future Priorities*, Geneva, October 2003, 19.*

ILO-IPEC Program Countries

ILO-IPEC Program countries are countries that have signed a Memorandum of Understanding with IPEC, thereby committing to cooperate with ILO-IPEC on the implementation of child labor projects in their countries. As of December 2003, there were 55 ILO-IPEC program countries.

*Source: ILO-IPEC, "All About IPEC," [online]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm. See also ILO-IPEC, *IPEC Action Against Child Labor 2002-2003: Progress and Future Priorities*, Geneva, October 2003, 19.*

Informal sector

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

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

IPEC: International Program on the Elimination of Child Labor

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

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

From fiscal year 1995 to fiscal year 2003, the U.S. Congress appropriated USD 202 million for ILO-IPEC projects.

*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. See also U.S. Department of Labor, *International Program on the Elimination of Child Labor* [online]; available from <http://www.dol.gov/ilab/programs/iclp/iloippec/main.htm>.*

Light Work

Light work is defined in ILO Convention 138 as work that is not likely to harm the health or development of young persons, and not such as to prejudice their attendance at school, their participation in vocational orientation

or training programs approved by the competent authority or their capacity to benefit from the instruction received. 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://www.ilo.org/ilolex/english/convdisp2.htm>

Net Primary Attendance Ratio

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

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

Net Primary Enrollment Ratio

The net primary enrollment ratio is the enrollment of primary students of the official age expressed as a percentage of the primary school-age population. A high net primary enrollment ratio denotes a high degree of participation of the official school-age population. When compared with the gross primary enrollment ratio, the difference between the two ratios highlights the incidence of under-aged and over-aged enrollment.

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

Poverty Reduction Strategy Paper

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

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

Primary Education

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

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

Promotion Rate

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

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

Ratification

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

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

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

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

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

Repetition Rate

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

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

Time-Bound Program

Time-Bound Programs are particular child labor interventions implemented by ILO-IPEC in collaboration with governments that aim to prevent and eliminate all incidences of the worst forms of child labor in a country within a defined period. The objective is to eradicate these forms of child labor within a period of 5–10 years, depending on the magnitude and complexity of child labor in each country. Since the start of this initiative in 2001, Time-Bound Programs have been started in 14 countries

Source: ILO-IPEC, Eliminating the Worst Forms of Child Labor: An Integrated and Time-Bound Approach, A Guide for Governments, Employers, Workers, Donors, and other Stakeholders, Geneva, April 2001, 3. See also ILO-IPEC, IPEC Action Against Child Labor 2002–2003: Progress and Future Priorities, Geneva, October 2003, 34.

Trafficking of Children

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

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

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

Worst Forms of Child Labor

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

AFGHANISTAN

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

The Transitional Islamic State of Afghanistan (TISA) has undertaken steps to rebuild the country's education system and address child soldiering, particularly within the context of the reconstruction of Afghanistan initiated in 2002.⁴² In 2000, with technical assistance from the Central Statistics Office of the Islamic Emirate of Afghanistan, UNICEF conducted a Multiple Indicator Cluster Survey on the situation of children in East Afghanistan, of which child labor and education were essential components.⁴³ Following the war in Afghanistan, the ILO re-opened its former office in Kabul in 2002 and has dedicated over USD 1.2 million in capacity building efforts, particularly for the Ministry of Labor and Social Affairs.⁴⁴ ILO-IPEC has also assisted the government in the preparation of educational materials in Pashto.⁴⁵ TISA is implementing a USD 15 million World Bank project that, among other activities, aims to promote learning and skills development among disadvantaged girls and former combatants.⁴⁶ In April 2003, the government established a commission to combat human trafficking and to recommend strategies for prevention and protection.⁴⁷

The Japanese government funded a USD 4 million project to provide literacy and vocational training to street children and former child combatants.⁴⁸ In addition, USAID has supported IOM's Afghan Transition Initiative with funding of USD 2.3 million. The initiative supports a number of projects including capacity building of government ministries in the education sector and a project designed to rehabilitate former combatants.⁴⁹ USDOL funded a USD 3 million, 4-year project with UNICEF to rehabilitate former child soldiers in 2003. The project will provide psychosocial, rehabilitative, and non-formal education services for up to 10,000 children.⁵⁰ In August 2003, IOM launched a USD 330,500 anti-trafficking project aimed to increase the capacity of the Afghan government to effectively address trafficking in the country through technical assistance and awareness-raising activities.⁵¹

⁴² The UN Appeal for the Afghan Interim and Transitional Assistance Programme estimated a need of USD 99 million for education and vocational training for 2002. A number of major donors are funding projects to support the Ministry of Education in its effort to fulfill the demand for education in Afghanistan. Among the most prominent donors are the World Bank, ADB, the Islamic Development Bank, UNICEF, UNESCO, UNDP, UNHCR, USAID, USDOL, numerous NGOs, and foreign governments, including Japan and Germany. See UNESCO, *Educational Reconstruction in Afghanistan: Transitional Support Strategy 2002-2004*, UNESCO, Paris, July 2002, 13.

⁴³ Afghanistan MICS2 Steering Committee, *2000 Afghanistan Multiple Cluster Survey (MICS2): Situation Analysis of Children and Women in the East of Afghanistan*, UNICEF, Kabul, September 2001; available from <http://childinfo.org/MICS2/newreports/afghanistan/Afghanistan1.PDF>.

⁴⁴ ILO, *ILO Rehabilitation and Reconstruction Program Develops Very Rapidly in Afghanistan*, Kabul, 2003; available from <http://www.ilo.org/public/english/employment/recon/crisis/download/kabul.pdf>.

⁴⁵ ILO-IPEC reports that the Afghan Minister of Commerce is committed to the campaign to eliminate child labor for both humanitarian and development reasons. See ILO-IPEC, *International Programme on the Elimination of Child Labour: Ratification Campaign*, [online] 2003 [cited October 15, 2003]; available from <http://www.ilo.org/public/english/standards/ipec/textonly/ratification/map/viewall.htm>.

⁴⁶ World Bank, *Emergency Education, Rehabilitation and Development Project*, in World Bank Project Database, [online database] 2003 [cited October 14, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P077896>.

⁴⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Afghanistan*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21262>.

⁴⁸ ADB, *Signing Ceremony for Education and Road Projects in Afghanistan*, ADB, [online] 2002 [cited May 12, 2003]; available from www.adb.org/Documents/News/2002/nr2002183.asp.

⁴⁹ IOM, *IOM-Afghanistan: Mission Activities 2002*, IOM, [IOM online] 2002 [cited May 12 2003]; available from <http://www.iom.int/en/pdf%5Ffiles/other/afghan%5Factivities%202002%5Fenglish.pdf>.

⁵⁰ UNICEF, *Afghanistan - Country in Crisis: Measures to Help Victims of War*, 2003 [cited August 28, 2003]; available from http://www.unicef.org/emerg/afghanistan/index_9028.html. UNICEF has completed a field assessment on the situation of child soldiers and plans are underway for a demobilization and reintegration program aimed directly at children. The project will be implemented in collaboration with the Afghanistan New Beginnings program. See UNICEF, *UNICEF Humanitarian Action: Afghanistan Donor Update 23*, in ReliefWeb, [online] September 23, 2003 [cited October 14, 2003]; available from <http://www.reliefweb.int/w/Rwb.nsf/0/8fa0690d36b0ab6ac1256daa003a3099?OpenDocument>.

⁵¹ U.S. Embassy- Kabul, *unclassified telegram no. 228379*, August 6, 2003, 1.

UNICEF, USAID, and other bilateral donors are sponsoring the Back-to-School Program, which provides training and materials to primary and secondary schools.⁵² Although 3.2 million children attended school in 2002, the demand far outweighed the program's capacity. UNICEF has provided logistical support to improve the Ministry of Education's capacity to distribute materials for 2003. Moreover, UNICEF has provided 4 million primary school aged children with 9.9 million textbooks and other essential school materials in 2003.⁵³ In collaboration with the Government of Germany and the Afghan government, UNESCO financed a project to upgrade textbooks and the curriculum for some 3 million children in 2002.⁵⁴ The ADB and the Islamic Development Bank are funding the construction of new schools as well as the repair of existing schools.⁵⁵ UNICEF and the United Nations Office of Project Services are also collaborating on a USD 8.4 million project for school rehabilitation and construction, with a special focus on regions of high refugee return such as Mazar-i-Sharif, Jalalabad, and Kandahar.⁵⁶

UNESCO is supporting the Ministry of Education through three projects totaling approximately USD 17 million. These projects focus on strengthening the capacity of the national system of education, technical and vocational education, and non-formal education.⁵⁷ The Japanese government provided an initial USD 500,000 to UNESCO and the Afghan government to launch the Literacy and Non-formal Education Development in Afghanistan project in 2003. This project will focus on promoting literacy for girls and women.⁵⁸ In an effort to promote girls' education, UNICEF is repairing some 200 damaged school buildings.⁵⁹ BRAC, formerly known as the Bangladesh Rural Advancement Committee, implemented a UNICEF-funded, 3-month Winter Break program to provide accelerated basic math and Dari (language) classes to approximately 15,000 girls in Kabul.⁶⁰

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 24 percent of children ages 10 to 14 years in Afghanistan were working.⁶¹ Child workers are reported to be numerous in agriculture and the informal sector, including animal herding, collecting

⁵² World Bank, *Afghanistan-Emergency Education, Rehabilitation, and Development Project*, Project Document, World Bank, Kabul, June 6, 2002; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/04/19/000094946_02041804135557/Rendered/PDF/multi0page.pdf. Japan had initially given \$28 million to the Back-to-School Program. See UNICEF, *Japan Gives Major Boost to Education in Afghanistan*, press release, Geneva, July 24, 2003; available from http://www.unicef.org/newsline/02pr49japan_printer.htm.

⁵³ UNICEF, *Afghan School Supply Operation Moves into Top Gear*, press release, Kabul, March 9, 2003; available from <http://www.unicef.org/newsline/2003/03nn12afghaneducation.htm>. See UNICEF, *Afghanistan Donor Update*.

⁵⁴ The German government provided USD 450,000 for the project. See UNESCO, *New Text Books and Curriculum for Afghan Children*, UNESCO, [press release] 2003 [cited April 5, 2003]; available from <http://www.unesco.org/bpi/eng/unescopress/2002/02-74e.shtml>.

⁵⁵ World Bank, *Emergency Education-Project Document*. Approximately 538 schools were built or repaired in 2002,⁵⁵ and the Ministry of Education planned to build or repair an estimated 2,500 in 2003. See also UNICEF, *Afghan School Supply*.

⁵⁶ As of September 2003, 9 schools had been fully rehabilitated and another 51 are in progress. See UNICEF, *Afghanistan Donor Update*. Funding for the project has been provided through the Japanese government's Ogata Initiative. See Child Rights Information Network (CRIN), "Afghanistan: School Rehabilitation Programme to Increase Learning Spaces across Afghanistan," *CRINMAIL* 452 (March 4, 2003); available from <http://uk.domeus.com/message/read.jsp?sessionid=EFB97ECC7C708CD32B1EDE72FE5C89EA;dom01?scroll=true&mid=25094486>.

⁵⁷ UNESCO, *Educational Reconstruction*, 7.

⁵⁸ UNESCO, *UNESCO and the Government of Afghanistan Launch Nationwide Literacy Project*, press release, Paris, January 28, 2003; available from http://portal.unesco.org/en/ev.php@URL_ID=9031&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁵⁹ UNICEF, *Afghanistan One Year Later: Overshadowed and challenged*, press release, Geneva, March 19, 2003; available from http://www.unicef.org/newsline/2003/03pr15afghaneducation_printer.htm.

⁶⁰ The program takes advantage of the winter break to help older girls to regain basic math and language skills lost while not attending school during the Taliban era. UN Office for the Coordination of Humanitarian Affairs, *Afghan Women Flock to Catch Up on Lost Education*, in ReliefWeb, [press release] January 26, 2003 2003 [cited April 25, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/2255e16dfda33b049256cbb000dfad2?OpenDocument>.

⁶¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

paper and firewood, shining shoes, begging, or rummaging for scrap metal in the streets.⁶² Throughout the years of conflict leading up to the fall of the Taliban in 2001, Afghan children were used as combatants by both the Taliban and the Northern Alliance to clean and store weapons, guard compounds, and enforce Shariah (Islamic law) under the Taliban. In addition, children cooked, did laundry, and cleaned barracks. It is reported that some children were sexually abused by their commanders under the Taliban.⁶³ While the Afghan National Army has set the limit for recruitment at 22 years of age,⁶⁴ evidence suggests that insurgent groups continue to exploit child soldiers in attacks against government and coalition forces.⁶⁵ Afghanistan is believed to be a country of origin and transit for children trafficked for the purposes of sexual exploitation and labor.⁶⁶ Under Taliban rule, the trafficking of children was common, particularly to the Gulf States.⁶⁷ Since the Interim Authority came to power, reports of child trafficking within Afghanistan and externally to Pakistan and the Middle East for the purposes of bonded labor and sexual exploitation have persisted.⁶⁸ Since early 2003, reports have indicated a series of abductions of children as young as four years old in northern Afghanistan, for the apparent purpose of trafficking to neighboring countries.⁶⁹ It is also reported that impoverished Afghan families have sold their children into forced sexual exploitation, marriage, and labor.⁷⁰

While the new Constitution provides for state-sponsored education for children,⁷¹ war and political turmoil over the past several decades in Afghanistan have seriously hampered educational development.⁷² In 2001, the gross primary enrollment rate was 15 percent, down from 32 percent in 1999.⁷³ In 2000, the gross primary enrollment rate for girls was under one percent, compared to 28.7 percent for boys.⁷⁴ The educational system was effectively dismantled under the Taliban. Most male students were enrolled in religious schools, if at all, and schools for women were closed or destroyed by order of the Taliban regime.⁷⁵ After the Afghan Interim Authority was

⁶² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Afghanistan*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18308.htm>. Updated statistics on child labor since the Taliban was unseated are not yet available.

⁶³ Peter W. Singer, *Caution: Children at War* (Washington, D.C.: Brookings Press, forthcoming). See also UNICEF, *Demobilization, Social and Economic Reintegration of Child Soldiers/Minors Associated with the Fighting Forces in Afghanistan*, project document [hard copy on file], Kabul, May 2003, 7. See also Dr. Lisa Alfredson, "Sexual Exploitation of Child Soldiers: An Exploration and Analysis of Global Dimensions and Trends", [working paper], 2002, 13; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/36fdc21ed10c9b1380256b27003bdaa1?OpenDocument>.

⁶⁴ UNICEF, *UNICEF Praises Afghan Child-Soldier Innovation*, press release, Geneva, September 23, 2003; available from http://www.unicef.org/media/media_14758.html.

⁶⁵ Coalition to Stop the Use of Child Soldiers, "Afghanistan," in *1379 Country Reports* London, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf>.

⁶⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Afghanistan*.

⁶⁷ U.S. Department of State, *Trafficking in Persons Report- 2002*, Washington, D.C., 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁶⁸ In provinces outside Kabul, warlords are reportedly involved in trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2003: Afghanistan*, Introduction, Special Cases. See also The Protection Project, "Afghanistan," in *Human Rights Country Report- Afghanistan*, Washington, D.C., 2002.

⁶⁹ UNICEF, *UNICEF Alarmed by Afghanistan Child Trafficking Reports*, [online] September 25, 2003 [cited October 2, 2003]; available from http://www.unicef.org.uk/press/news_detail.asp?news_id=183.

⁷⁰ See also U.S. Department of State, *Trafficking in Persons Report- 2003: Afghanistan*, Introduction, Special Cases. See also U.S. Department of State, *Country Reports- 2002: Afghanistan*, Section 6f.

⁷¹ A new constitution was adopted in January 2004, and nationwide elections for a permanent Afghan government are planned for June 2004. See U.S. Department of State official, electronic communication to USDOL official, March 30, 2004.

⁷² Saif R. Samady, *Education and Afghan Society in the Twentieth Century*, UNESCO, Paris, November 2001, 7, 11; available from <http://www.reliefweb.int/library/documents/2002/unesco-afg-nov01.pdf>.

⁷³ UNESCO, *Education Statistical Tables*, [online] 2003 [cited August 26, 2003]; available from http://portal.unesco.org/uis/TEMPLATE/html/HTMLTables/education/gerner_primary.htm.

⁷⁴ World Bank, *World Development Indicators 2003*.

⁷⁵ Torpekai Sultani, *The Current Situation of Basic Education in Afghanistan*, Kibou no Gakko, Kabul, September 2002, 3; available from http://www.human.tsukuba.ac.jp/~criced/pdf/04_Afghanistan_Sultani.pdf.

inaugurated in December 2001, government schools re-opened their doors to girls and female teachers.⁷⁶ According to UNICEF, more than 3.8 million children were enrolled in school in 2003 and girls' enrollment from ages 7 to 13 increased from 30 percent in 2002 to 37 percent in 2003.⁷⁷ UNICEF and the Afghan Ministry of Education have set a goal to increase girls' enrollment by a further 500,000 by March 2005.⁷⁸ In some regions, the participation rate of girls is as low as three percent.⁷⁹ Access to education is exacerbated by a resurgence in fundamentalist attacks on schools, teachers, and students. From August 2002 to September 2003, there have been more than 35 attacks in which schools have been burned or bombed.⁸⁰ Refugee children who have returned from neighboring countries, particularly Iran and Pakistan, are reported to have very limited access to education, often because their labor is needed to supplement the meager incomes of their families.⁸¹ Attendance rates are unavailable for Afghanistan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁸²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁸³ The Constitution prohibits forced labor, and specifically prohibits forced labor for children.⁸⁴ However, in 2002 there was no evidence that child labor laws were enforced in the country.⁸⁵ The interim government has condemned trafficking, and the Afghan Independent Human Rights Commission has provided redress for some victims, but there is generally no legal protection provided to victims of trafficking.⁸⁶ The Government of Afghanistan has not ratified either ILO Convention 138 or ILO Convention 182.⁸⁷

⁷⁶ UNICEF, *Girls' Education in Afghanistan*, New York, 2002; available from <http://www.unicef.org/Afghanistanfinal.pdf>.

⁷⁷ UNICEF, *Afghanistan Donor Update*.

⁷⁸ Their efforts will focus on the 12 provinces where girls' school enrollment is the lowest. The project aims to increase the number of qualified female teachers, and provide support to home-based schools by linking them into the formal education system. See UNICEF, *Afghanistan - Country in Crisis: "Back to School" for Afghan Children*, 2003 [cited August 28, 2003]; available from http://www.unicef.org/emerg/afghanistan/index_8178.html.

⁷⁹ Due to long distances, a lack of schools, a shortage of female teachers (Islamic law discourages girls and women from interacting with adult male non-relatives), and the large influx of returning refugees, girls' access to education is particularly limited in the eastern region of Afghanistan. See Human Rights Watch (HRW), *"Killing You is a Very Easy Thing For Us": Human Rights Abuses in Southeast Afghanistan*, New York, July 2003, 76-78; available from <http://www.hrw.org/reports/2003/afghanistan0703/>.

⁸⁰ The attacks have generally been preceded by anonymous leaflet campaigns warning parents against sending girls to school. In the last year, schools in the provinces of Ghazni, Jawzjan, Kabul, Kandahar, Laghman, Logar, Masa'i, Sar-e Pul, Wardak, and Zabul have been the targets of such attacks. Ibid., 82-83. See also Integrated Regional Information Networks, "Afghanistan: Serious Attack on Girl's School", IRINnews.org, [online], 2003 [cited August 25, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=36181>. In other areas, resistance to education for girls has remained so pervasive as to have prevented schools from being built at all. See Ahmad Hanayesh and Mustafa Basharat, "Girls Still Standing Outside the Classroom Door", ReliefWeb, [online], April 4, 2003 [cited October 15, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/0/6e6e6e0df5c0daffc1256d010052b8a7?OpenDocument>.

⁸¹ Ironically, refugees' families returning to Afghanistan cite a desire to ensure education of their children as a primary reason for their return. See Amnesty International, *Afghanistan- Out of Sight, Out of Mind: The Fate of the Afghan Returnees*, ASA 11/014/2003, London, June 23, 2003; available from <http://www.web.amnesty.org/library/index/engasa110142003>.

⁸² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁸³ U.S. Department of State, *Country Reports- 2002: Afghanistan*.

⁸⁴ Ibid., Section 6c. See U.S. Department of State, *Background Note: Afghanistan*, [online] September 2003 [cited October 14, 2003]; available from <http://www.state.gov/r/pa/ei/bgn/5380.htm>.

⁸⁵ U.S. Department of State, *Country Reports- 2002: Afghanistan*, Section 6d.

⁸⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Afghanistan*, Introduction, Special Cases.

⁸⁷ ILO, *Ratifications by Country*, in ILOLEX, [cited September 3, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 1999.⁸⁸ 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.⁸⁹ In 2003 the government developed a new National Anti-Trafficking Strategy that, among other issues, focuses on child trafficking and prosecution of those involved. The main focus of the strategy is law enforcement, prevention, and protection, and includes the development of the Vlora Anti-Trafficking Center and the Linza Center.⁹⁰

A UNICEF program for Child and Youth Development is working with NGOs, schools, and government agencies such as the Ministry of Education and Ministry of Labor and Social Affairs to protect at-risk children, including street children and victims of trafficking, by providing them with educational, legal, and other services.⁹¹ 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.⁹² The government's Linza Center, officially opened in 2003, offers reintegration services to trafficking victims, including children. Originally managed by the IOM, the center is now the responsibility of the Ministry of Labor and Social Affairs.⁹³ In December 2002, the government signed a joint declaration with other Southeastern European countries to better assist victims of trafficking.⁹⁴ USAID is providing support to a project titled "Transnational Action Against Child Trafficking," through the Swiss-based NGO Terre des hommes, in which Albanian government officials and NGO representatives work with their counterparts in Greece and Italy to identify trafficking routes, cooperate on repatriation of trafficked children, and improve care for trafficked children and their families before and after repatriation.⁹⁵

⁸⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 13, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁸⁹ 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.

⁹⁰ U.S. Embassy-Tirana, electronic communication to USDOL official, February 19, 2004. The National Anti-Trafficking Strategy of 2003-2004 updates the existing National Strategy to Combat Trafficking of Human Beings. See also U.S. Embassy-Tirana, electronic communication to USDOL Official, March 3, 2004.

⁹¹ UNICEF, *Summary of Programs*, [online] [cited June 22, 2003]; available from www.unicef.org/albania/what_we_do/summary.htm. See also U.S. Embassy-Tirana, electronic communication dated February 19, 2004.

⁹² International Organization for Migration, *IOM Counter Trafficking Strategy for the Balkans and Neighbouring Countries*, January 2001. The Government of Albania is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

⁹³ U.S. Embassy-Tirana, electronic communication dated February 19, 2004.

⁹⁴ The commitment ensures that countries stop the immediate deportation of trafficked person and offer them shelter, as well as social, health and legal assistance. See Alban Bala, "Southeastern Europe: Governments Shift Their Focus in Fighting Human Trafficking," *Radio Free Europe Weekday Magazine*, December 13, 2002; available from <http://www.rferl.org/nca/features/2002/12/13122002200939.asp>.

⁹⁵ U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003. U.S. Embassy-Tirana, electronic communication dated February 19, 2004.

In June 2002, the Government of Albania became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.⁹⁶

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.⁹⁷ Children, especially from the Roma community, work on the streets as beggars and vendors; other Albanian children work on farms.⁹⁸ Trafficking of Albanian children abroad to prostitution or pedophilia rings in Western Europe remains a problem. One study conducted by the Albanian “Hearth” Psycho-Social Center in 2003 estimated that 21 percent of Albanian trafficking victims were minors, between the ages of 14 and 18.⁹⁹ 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.¹⁰⁰ In January 2003, Terre des hommes reported that the majority of children trafficked to Greece were sent with their family’s knowledge to work for remuneration. In addition, the report found that 95 percent of children trafficked belong to the Roma ethnic minority or the “Egyptian” community.¹⁰¹ There have been reports that children are tricked or abducted from families or orphanages and

⁹⁶ World Bank, *World Bank Announces First Group Of Countries For ‘Education For All’ Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

⁹⁷ 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.

⁹⁸ Altin Hazizaj, *The Vicious Circle: A Report on Child Labour-Albania*, Children’s Human Rights Centre of Albania, Tirana, March 2000, Chapter 8. See Altin Hazizaj, *The Forgotten Children: A Report on the Roma Children’s Rights Situation in Albania*, Children’s Human Rights Centre of Albania, Tirana, April 2000, 11. U.S. Embassy– Tirana, electronic communication dated February 19, 2004.

⁹⁹ Vera Lesko, Entela Avdulaj, and Mirela Koci, and Dashuri Minxolli, *Annual Report 2003 on the Trafficking in Humans*, ‘The Hearth’ Psycho-Social Center, Vlora, December 2003 as cited in U.S. Embassy– Tirana, electronic communication dated February 19, 2004. Estimates on the number of Albanian children that are victims of trafficking vary. The Albanian Human Rights Group estimated that minors comprised 25 percent of trafficking victims. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Albania*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18349.htm>. A study published in January 2003 estimated that the majority of street children in various cities in Greece are Albanian. See Terre des hommes, *The Trafficking of Albanian Children in Greece*, Le Mont sur Lausanne, January 2003, 9–10. A report published in 2001 estimated that 75 percent of trafficking victims from certain rural regions of Albania were children. 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 may work as child prostitutes in Greece. See Daniel Renton, *Child Trafficking in Albania*, Save the Children, March 2001, 16–19. The Center for the Protection of Children’s Rights estimated more than 2,000 Albanian children ages 13 to 18 were reportedly involved in prostitution rings. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Albania*, Washington, D.C., March 31, 2002, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18349.htm>. 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 in Greece*, 10.

¹⁰⁰ 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].

¹⁰¹ The Roma or “Egyptian” minority groups are significantly marginalized in Albanian society. Terre des hommes, *The Trafficking of Albanian Children in Greece*, 16. See also Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, UNOHCHR and OSCE–ODIHR, June 2002, 129; available from <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>. See also U.S. Embassy– Tirana, electronic communication dated February 19, 2004.

then sold to prostitution or pedophilia rings in Western Europe.¹⁰² Children are trafficked for other forms of exploitive labor as well, such as begging and drug dealing.¹⁰³

Education is compulsory and free for children ages 6 to 14.¹⁰⁴ In 2000, the gross primary enrollment rate was 107.0 percent, and the net primary enrollment rate was 97.6 percent.¹⁰⁵ According to UNICEF, the primary school attendance rate for all children ages 7 to 14 was 90 percent.¹⁰⁶ The Ministry of Education and Sciences reported that the drop-out rate from 1999 to 2000 was approximately 3 percent, although local children's groups believe the number is higher.¹⁰⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment at 16 years. Minors who are 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.¹⁰⁸ Labor Act No. 7724 prohibits night work by children less than 18 years of age and limits their work to 6 hours per day.¹⁰⁹ 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.¹¹⁰ The Labor Code also prohibits forced or compulsory labor.¹¹¹

¹⁰² U.S. Department of State, *Country Reports- 2002: Albania*, Section 5.

¹⁰³ Limanowska, *Trafficking in Southeastern Europe*, 129.

¹⁰⁴ 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>.

¹⁰⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. The Albanian government reports a decline over the period 1990-2000 in gross and net primary school enrollment rates. The gross primary enrollment rate is reported as 91 percent and the net primary enrollment rate as 81 percent. See Human Development Promotion Center (HDPC), *The Albanian Response to the Millennium Development Goals*, Tirana, May 2002, 19.

¹⁰⁶ Government of Albania, *MICS 2: Albania*, 20, 41.

¹⁰⁷ Local organizations report that dropout rates and child truancies 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 dropouts are particularly high among the ethnic Roma minority. See Hazizaj, *The Vicious Circle*, Section 1.2. See also Renton, *Child Trafficking in Albania*.

¹⁰⁸ 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- 2002: Albania*, Section 6d. See also Hazizaj, *The Vicious Circle*, Section 6.2.

¹⁰⁹ Government of Albania, Act No. 7724, (June 1993); available from <http://natlex.ilo.org/txt/E93ALB01.htm>.

¹¹⁰ 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>.

¹¹¹ U.S. Department of State, *Country Reports- 2002: Albania*, Section 6d.

The Criminal Code prohibits prostitution, and the penalty is more severe when a minor girl is solicited for prostitution.¹¹² In January 2002, changes to the Criminal Code established penalties for trafficking of minors as well as trafficking of women for prostitution.¹¹³ With the assistance of international donors, the government has improved its enforcement and interdiction capabilities at border crossings and at ports, resulting in several arrests of child traffickers.¹¹⁴ Trafficking prohibitions, however, rarely lead to convictions of traffickers.¹¹⁵

The Government of Albania ratified ILO Convention 138 on February 16, 1998 and ILO Convention 182 on August 2, 2001.¹¹⁶

¹¹² *Albanian Criminal Code*, [cited Article 1281b]; available from <http://209.190.246.239/protectionproject/statutesPDF/AlbaniaF.pdf>.

¹¹³ U.S. Department of State, *Country Reports- 2002: Albania*, 1246-49, Section 6f.

¹¹⁴ U.S. Embassy- Tirana, *unclassified telegram no. 0813*, May 2003. See also "Children Bought and Sold," *Transitions Online* (Tirana), April 14 2003, [cited June 22, 2003]; available from www.protectionproject.org/daily_news/2003/ne416.htm.

¹¹⁵ 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- 2002: Albania*, Section 6f.

¹¹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The armed civil conflict in Angola from 1975 to 2002 severely affected children and limited government spending for social and educational programs.¹¹⁷ Since the end of hostilities in February 2002, the International Committee of the Red Cross and the United Nations Children's Fund (UNICEF) have increased family reunification efforts with the cooperation of the government. By October 2003, more than 1,700 children had been reunited with their families under the two programs and 539 tracing activists had been trained in 10 provinces.¹¹⁸

In 2002, the Ministry of Social Assistance and Reintegration (MINARS) trained 1,070 child protection monitors who assisted approximately 43,000 children who had been separated from their families because of the conflicts. Monitors ensured that the children, some of whom were working children and former child soldiers, were provided food, shelter and schooling, and reunited some children with their families.¹¹⁹ International human rights groups, however, have criticized the lack of access to government demobilization and reintegration programs for ex-child soldiers.¹²⁰

In March 2003, the MINARS organized a roundtable with international and local organizations to express the government's commitment to protect child victims of the conflict and their rights to physical, psychosocial recovery, and social reintegration.¹²¹ In 2001, the Government of Angola initiated a national registration system to document the age of children under 18. By providing children with accurate, official age documentation, the government intends to stem the recruitment of underage children by the military or by traffickers.¹²² Between 2001 and 2003, this program successfully registered more than two million Angolan children. At least 1 million more children, however, remain unregistered.¹²³ In June 2003, the government inaugurated a Juvenile Court,

¹¹⁷ The Government of Angola and UNITA concluded a final peace agreement on November 20, 2002. See Government of Angola, *Angolans Complete Implementation of Peace Pact; UN lifts Sanctions*, ReliefWeb, [online] December 31, 2002 [cited August 27, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/ByCountry/Angola?OpenDocument&Start=4.58&ExpandView>. See also Watch List on Children and Armed Conflict, *Angola: Important Note*, ReliefWeb, [online] April 25, 2002 [cited August 27, 2003], 11; available from <http://www.reliefweb.int/w/rwb.nsf/vID/CE7CF6EEF87D82D785256BD6006B39C0?OpenDocument>.

¹¹⁸ U.S. Department of State official, electronic communication to USDOL official, February 19, 2004. See also U.S. Department of State official, electronic communication to USDOL official, February 12, 2003.

¹¹⁹ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#angola>.

¹²⁰ Human Rights Watch, *Forgotten Fighters: Child Soldiers in Angola*, Vol. 15, No. 10 (A), New York City, April, 2003, 15-16; available from <http://www.hrw.org/reports/2003/angola0403/>. Ex-child soldiers are eligible, however, for benefits under programs funded through the World Bank, World Food Program (WFP), Food and Agriculture Organization (FAO), the United Nations Development Program (UNDP), UNICEF, and other international organizations that account for the vast majority of demobilization and reintegration programs.

¹²¹ UN Office for the Coordination of Humanitarian Affairs, *ANGOLA: Rehabilitation of Child Soldiers Critical*, UNICEF, IRINnews.org, [online] 2003 [cited August 27, 2003]; available from http://www.irinnews.org/report.asp?ReportID=32737&SelectRegion=Southern_Africa&SelectCountry=ANGOLA.

¹²² U.S. Embassy- Luanda, *unclassified telegram no. 3017*, September 2001. See also U.S. Department of State, *Trafficking in Persons Report*. More than 70 percent of children have limited access to health, education, and sanitation. Watch List on Children and Armed Conflict, *Angola*, 3,5.

¹²³ With support from non-governmental and religious organizations, the National Birth Registration Campaign hopes to register three million in total by the end of the year. ANGOP, *Two Million Children Get Birth Certificates*, The Embassy of the Republic of Angola Website, [online] [cited June 19, 2003]; available from <http://www.angola.org/news/NewsDetail.cfm?NID=13158>. See also U.S. Department of State official, electronic communication dated February 19, 2004.

based on Angola's traditional reconciliation system, to protect the rights of children, including victims of sexual abuse and forced labor.¹²⁴

In 2002, the Ministry of Education and Culture (MoEC), together with UNICEF, launched a program to provide informal learning and life skills for vulnerable children outside of the formal education system. The program intends to reach a total of 50,000 children by the end of 2003.¹²⁵ In addition, the MoEC created a Back-to-School campaign in two of the poorest provinces to increase education access for all school-aged children.¹²⁶ During the first half of 2003, the National Children's Institute has relocated more than 45,000 orphans or children living alone to houses and family living situations.¹²⁷

Since 1994, UNICEF and other organizations have established demobilization and rehabilitation programs for former child soldiers.¹²⁸ Program activities have included locating relatives, arranging transportation, and reuniting the children with their families. The programs also identify school and job training opportunities for former child soldiers and prepare local communities to accept children who had been engaged in armed conflict.¹²⁹ The World Food Program is involved in food-for-work schemes including the reconstruction of schools and destroyed infrastructure, and food-for-training projects for vulnerable populations including demobilized soldiers and their families.¹³⁰

In March 2003, the World Bank approved a USD 33 million grant to provide services to underage soldiers in settlement communities.¹³¹ Services include family tracing and unification, trauma counseling and psychosocial care, and the facilitation of access to education, recreation, and vocational training for children over the age of 15.¹³²

¹²⁴ ANGOP, *Tribunal for the Under Age Inaugurated*, The Embassy of the Republic of Angola Website, [online] [cited June 19, 2003]; available from <http://www.angola.org/news/NewsDetail.cfm?NID=13131>. and United Nations Information Services, *UNICRI and Italian Government in Defence of Children's Rights in Angola*, The United Nations, [online] [cited June 19, 2003]; available from <http://www.un.org/News/Press/docs/2003/afr645.doc.htm>. See also 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>.

¹²⁵ The Education for Life and Peace Program. UNICEF, *Funds Urgently Needed for Measles and Back-to-School Campaigns*, New York, December 12, 2002, 4; available from <http://www.unicef.org/emerg/Country/Angola/021212.PDF>.

¹²⁶ Ibid. See also ANGOP, *Increased Basic Services to Bié Approved*, The Embassy of the Republic of Angola Website, [online] [cited June 18, 2003]; available from <http://www.angola.org/news/NewsDetail.cfm?NID=13187>. An estimated 250,000 children are expected to return to school in Bié and Malanje provinces in the north. UNICEF has rehabilitated up to 1,3000 classrooms and is providing learning materials, chalk and blackboards. See UN Office for the Coordination of Humanitarian Affairs, *ANGOLA: Decrease in Malnutrition and Back to School Programme Benefiting Children*, IRINnews.org, [online] [cited May 21, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=34239>.

¹²⁷ ANGOP, *Over 45,000 Children Reunited with their Families*, [online] [cited June 24, 2003]; available from <http://www.angola.org/news/NewsDetail.cfm?NID=13274>. The mandate of the National Children's Institute is to concentrate on children's issues including long-term sheltering of homeless or street children. See U.S. Department of State official, electronic communication dated February 12, 2003.

¹²⁸ Damien Personnaz, *For Angola's Former Child Soldiers, Peace Brings Uneasy Calm*, UNICEF, [previously online] 1996 [cited October 3, 2002]; available from <http://www.unicef.org/features/feat171.htm> [hard copy on file].

¹²⁹ Trained local church members, or "Catequistas," provide psychosocial assistance in accordance with local beliefs and practices. Coalition to Stop the Use of Child Soldiers, "Angola," in *Child Soldiers 1379 Report*, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/0/c560bb92d962c64c80256c69004b0797?OpenDocument>.

¹³⁰ The World Food Programme, *Russia Makes a Landmark Pledge of Food Aid for North Korea and Angola*, The World Food Programme, [online] [cited June 13, 2003]; available from http://www.wfp.org/newsroom/subsections/preview.asp?content_item_id=1182§ion=13.

¹³¹ MINARS will be involved in the administration of the project. The World Bank, *Technical Annex for a Proposed Grant of Sdr 24 Million (US\$ 33 Million Equivalent) to the Republic of Angola for an Angola Emergency Demobilization and Reintegration Project*, T7580-ANG, Washington D.C., March 7, 2003, 31-32; available from http://www.worldbank.org/afr/ao/reports/2003_EDRP_TechAnn.pdf.

¹³² Ibid.

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.¹³³ In 2000, it was estimated that there were approximately 24,000 predominantly male homeless street children living in Angola as a result of the civil conflict.¹³⁴ Many of the homeless girls are at high risk of sexual, and other forms of, violence.¹³⁵ Other children work in subsistence agriculture, as domestic servants, as street vendors,¹³⁶ and as beggars.¹³⁷

Child trafficking, prostitution, pornography, forced labor, sexual slavery, and other forms of exploitation are reported to exist in the country.¹³⁸ Angola is a country of origin for trafficked children. Children have been trafficked to Europe and South Africa to work in the commercial sex industry.¹³⁹

Education in Angola is compulsory for eight years,¹⁴⁰ and it is free of charge, although families are responsible for significant additional fees.¹⁴¹ In 2000, the gross primary enrollment rate was 73.6 percent, and the net primary enrollment rate was 36.9 percent.¹⁴² In 2001, roughly 75 percent of children enrolled in primary school reached grade 5,¹⁴³ but only 6 percent of children are enrolled in secondary school.¹⁴⁴ More than 1 million children are estimated to be out of school with no prospect of integrating them into the education system.¹⁴⁵ Girls have less access to education than do boys.¹⁴⁶ 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.¹⁴⁷

¹³³ 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, 13; available from <http://www.childinfo.org/MICS2/newreports/angola/angola.pdf>. In 2001, the ILO estimated that 25.9 percent of children ages 10 to 14 years in Angola were working. *World Bank, World Development Indicators 2003 [CD-Rom]*, Washington, D.C., 2003.

¹³⁴ Governo de Unidade e Reconciliação Nacional República de Angola, *Relatório de Seguimento das Metas da Cimeira Mundial pela Infância*, December 2000; available from http://www.unicef.org/specialsession/how_country/edr_angola_pt.PDF.

¹³⁵ Ibid.

¹³⁶ U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, U.S. Department of State, Washington D.C., 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18167.htm>.

¹³⁷ According to a local NGO in Luanda, about 500 to 1,000 children were working as prostitutes in the capital city. See Ibid., 22, Section 6f. 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.

¹³⁸ Watch List on Children and Armed Conflict, *Angola*, 10. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Angola*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

¹³⁹ Watch List on Children and Armed Conflict, *Angola*, 10. See also U.S. Department of State, *Trafficking in Persons Report*. See also ECPAT International, *Angola*, ECPAT International, [database online] [cited August 27, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

¹⁴⁰ 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/>.

¹⁴¹ U.S. Department of State, *Country Reports on Human Rights*, section 5.

¹⁴² World Bank, *World Development Indicators 2003*.

¹⁴³ Government of Angola, *MICS2: Angola*, 3.

¹⁴⁴ U.S. Embassy- Luanda, *unclassified telegram no. 2491*, October 2002.

¹⁴⁵ U.S. Department of State official, electronic communication dated February 19, 2004.

¹⁴⁶ República de Angola, *Relatório de Seguimento*, 16.

¹⁴⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

It is estimated that children make up a majority of the roughly 832,000 displaced persons in Angola,¹⁴⁸ and educational opportunities are extremely limited for displaced children and adolescents.¹⁴⁹ 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.¹⁵⁰

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.¹⁵¹ Children under 16 years of age are restricted from working in factories.¹⁵² The Constitution and Angolan statutory law prohibit forced or bonded child labor.¹⁵³ In 1998, the Angolan Council of Ministers established a minimum conscription age for military service of 17 years.¹⁵⁴ Trafficking is not specifically prohibited in Angola,¹⁵⁵ but forced servitude, prostitution, and pornography are illegal under the general criminal statute.¹⁵⁶ Despite severe resource limitations, the Government of Angola is making efforts to comply with the minimum standards for the elimination of trafficking, although greater emphasis is needed to protect street children from becoming victims of trafficking.¹⁵⁷

The Inspector General of the Ministry of Public Administration, Employment, and Social Security (MAPESS) is responsible for enforcing labor laws.¹⁵⁸ However, child labor complaints are filed with the Ministry of Family and Women's Affairs, which has principle responsibility for child welfare.¹⁵⁹ MAPESS 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,¹⁶⁰ and reports of child labor complaints are rare.¹⁶¹

The Government of Angola ratified both ILO Conventions 138 and 182 on June 13, 2001.¹⁶²

¹⁴⁸ U.S. Agency for International Development, *Angola - Complex Emergency Situation Report #1, Fiscal Year (FY) 2004*, Washington, DC, January 7, 2004; available from http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/angola/fy2004/Angola_CE_SR01_01-07-2004.pdf.

¹⁴⁹ Watch List on Children and Armed Conflict, *Angola*, 7.

¹⁵⁰ *Ibid.*, 11.

¹⁵¹ U.S. Embassy- Luanda, *unclassified telegram no. 2491*, 10.

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Coalition to Stop the Use of Child Soldiers, "Angola," 17. 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 UNICEF, *A Humanitarian Appeal for Children and Women- Angola*, 2001, 2.

¹⁵⁵ U.S. Department of State, *Trafficking in Persons Report*.

¹⁵⁶ U.S. Embassy- Luanda, *unclassified telegram no. 2491*. See also U.S. Department of State official, electronic communication dated February 19, 2004.

¹⁵⁷ U.S. Department of State, *Trafficking in Persons Report*.

¹⁵⁸ U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

¹⁵⁹ *Ibid.* 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.

¹⁶⁰ U.S. Embassy- Luanda, *unclassified telegram no. 2491*.

¹⁶¹ U.S. Embassy- Luanda, *unclassified telegram no. 2685*.

¹⁶² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 30, 2001]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

ANTIGUA AND BARBUDA

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

The Government of Antigua and Barbuda created a committee to implement the UN Convention on the Rights of the Child in 2000.¹⁶³ The government has also expressed its commitment to conducting research on child labor.¹⁶⁴ 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.¹⁶⁵

In 1994, the Government of Antigua and Barbuda revised its educational policy to improve the effectiveness of schooling.¹⁶⁶ 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.¹⁶⁷ The government has employed officers to monitor school attendance and report their findings biweekly 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.¹⁶⁸ 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.¹⁶⁹

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.¹⁷⁰ In 2001, children as young as 13 years old were reportedly involved in an organized prostitution and pornography ring.¹⁷¹

¹⁶³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Antigua and Barbuda*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18316.htm>.

¹⁶⁴ 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 11, 2001. See also Labour Commissioner of the Government of Antigua and Barbuda, letter to USDOL official, October 18, 2001.

¹⁶⁵ U.S. Department of State, *Country Reports- 2002: Antigua and Barbuda*, Section 5. See also Lionel Hurst, letter to USDOL official, October 18, 2001.

¹⁶⁶ 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. Ministry of Education, Youth, Sport, and Community Development official, *Education for All 2000 Assessment: Country Reports- Antigua and Barbuda*, UNESCO, 2000 [cited June 28, 2003], Analytic Section 2.2.4; available from http://www2.unesco.org/wef/countryreports/antigua_barbuda/rapport_1.html.

¹⁶⁷ 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>.

¹⁶⁸ Ministry of Education, Youth, Sport, and official, *EFA 2000 Report: Antigua and Barbuda*, Analytic Section 2.2.1.

¹⁶⁹ UNICEF, *Antigua and Barbuda*. See also Ministry of Education, Youth, Sport, and official, *EFA 2000 Report: Antigua and Barbuda*, Sections 2.3.4.2, 2.2.3.

¹⁷⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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.

¹⁷¹ 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- 2002: Antigua and Barbuda*, Section 5.

Education is compulsory and free for children between the ages of 5 and 16 years.¹⁷² According to UNICEF, most children enjoy access to primary education, however there are no nationally available enrollment statistics for Antigua and Barbuda.¹⁷³ Spanish-speaking children, children with disabilities, young mothers, and other children with special educational needs, face barriers to accessing primary education.¹⁷⁴

Child Labor Laws and Enforcement

The Labor Code, Division E of 1975, sets the minimum age for employment at 16 years.¹⁷⁵ The provisions also establish that children less than 16 years of age cannot work more than 8 hours in a 24-hour time period or during school hours.¹⁷⁶ Children between the ages of 14 and 18 years must obtain a medical examination prior to employment.¹⁷⁷ The Constitution prohibits slavery and forced labor.¹⁷⁸

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 imprisonment.¹⁷⁹ 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.¹⁸⁰ In addition, the Offences Against the Person Act, Cap. 58 offers some protection to children who are sold, trafficked, or abducted against their own will and wishes of their parents.¹⁸¹

The Ministry of Labor is required to conduct periodic inspections of workplaces.¹⁸² The police and social welfare departments investigate the criminal and social aspects of child labor.¹⁸³ In August 2001, a case implicating high-ranking members of society in a child pornography and prostitution ring was prosecuted in court.¹⁸⁴

Antigua and Barbuda ratified ILO Convention 138 on March 17, 1983 and ILO Convention 182 on September 16, 2002.¹⁸⁵

¹⁷² 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 55 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 Ministry of Education, Youth, Sport, and official, *EEA 2000 Report: Antigua and Barbuda*, Descriptive Section 1.0, 1.3.

¹⁷³ Government of Antigua and Barbuda, *Antigua and Barbuda National Report*, 13.

¹⁷⁴ UNICEF, *Antigua and Barbuda*.

¹⁷⁵ Hurst, letter dated October 18, 2001, U.N. Committee on the Rights of the Child, *Initial Report 2001: Antigua and Barbuda*, Government of Antigua and Barbuda, West Indies, 2001, 54-55; available from <http://www.unhchr.ch/html/menu2/6/crc/doc/report/srf-a&b-1.pdf>.

¹⁷⁶ Ibid.

¹⁷⁷ U.N. Committee on the Rights of the Child, *Initial Report 2001: Antigua and Barbuda*, 55.

¹⁷⁸ *Constitution of Antigua and Barbuda*, Chapter II, Article 6, (1981); available from <http://www.georgetown.edu/pdba/Constitutions/Antigua/ab81.html>.

¹⁷⁹ *Sexual Offences Act, Part II*, 1995 1995; available from <http://www.protectionproject.org/vt/2.htm>. U.N. Committee on the Rights of the Child, *Initial Report 2001: Antigua and Barbuda*, 12.

¹⁸⁰ U.S. Department of State, *Country Reports- 2002: Antigua and Barbuda*, Section 6f.

¹⁸¹ U.N. Committee on the Rights of the Child, *Initial Report 2001: Antigua and Barbuda*, 57.

¹⁸² There is an Inspectorate in the Labor Commissioner's Office that handles exploitative child labor matters. U.S. Department of State, *Country Reports- 2002: Antigua and Barbuda*, Section 6d.

¹⁸³ Hurst, letter dated October 18, 2001.

¹⁸⁴ Ibid. See also U.S. Department of State, *Country Reports- 2002: Antigua and Barbuda*, Section 5.

¹⁸⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 25, 2003]; available from <http://www.ilo.org/ilolex/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 1996.¹⁸⁶ The National Commission for the Eradication of Child Labor (CONAETI) was established in August 2000 to evaluate and coordinate efforts to prevent and eradicate child labor,¹⁸⁷ and in 2002, CONAETI established a National Plan for the Prevention and Elimination of Child Labor.¹⁸⁸ In 2000–2001, the National Council for Childhood, Adolescence, and Family (CONNAF), a federal government agency, conducted awareness raising activities on the rights of children and sexual abuse of children, and provided training to government officials on issues such as commercial sexual exploitation of children.¹⁸⁹ Since that time, CONNAF has worked with local governments and NGOs to support a National Network of Children’s Rights Offices, which coordinates services for and protects the rights of at-risk children.¹⁹⁰ CONNAF has also established a program to coordinate national efforts with regional MERCOSUR partners to address the commercial sexual exploitation of children.¹⁹¹ Together with the Attorney General, the Ministry of Justice, Security and Human Rights, the National Council of Women, and UNICEF, CONNAF also developed an action plan for the elimination of child prostitution.¹⁹²

The government is participating in several ILO-IPEC projects. The government is involved in the planning and management of a 2-year ILO-IPEC project to combat child labor in rural areas and a 1-year ILO-IPEC project to eradicate child labor among street workers and garbage pickers in Buenos Aires, both initiated in 2002.¹⁹³ CONAETI is currently preparing a national child labor survey with technical assistance from ILO-IPEC’s SIMPOC.¹⁹⁴ In addition, the Government of Argentina, along with ILO-IPEC, the other MERCOSUR

¹⁸⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 21, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁸⁷ Several government agencies, NGOs, ILO-IPEC, and UNICEF are members of the commission. ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*, Lima, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichaargentina.doc>.

¹⁸⁸ CONAETI, *Plan Nacional para la prevención y erradicación del trabajo infantil*, Buenos Aires, October 31, 2002; available from http://www.conaeti.gov.ar/actividades/files/plan_nacional_consensuado.doc.

¹⁸⁹ Maria Orsenigo, “Argentina: Informe del Consejo Nacional de Niñez, Adolescencia y Familia” (paper presented at the Congreso Gubernamental Regional sobre Explotación Sexual Infantil, no date), 60–61.

¹⁹⁰ See *Ibid.*, 61, 63.

¹⁹¹ Alejandra Barbich and Maria Lourdes Molina, *Proyecto “Sub-Programa de Explotación Comercial Sexual Infantil”*, National Council for Childhood, Adolescence and Family (provided via written communication from the Embassy of Argentina), Buenos Aires, June 26, 2002, 6, 9.

¹⁹² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Argentina*, Washington, D.C., March 31, 2003, 2577–81, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18317pf.htm>. See also Maria Orsenigo, “Argentina: Informe del Consejo Nacional”, 66–71.

¹⁹³ ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*. See also {CONAETI, n.d. #34} See also ILO-IPEC, *Los Proyectos IPEC en breve: De la Basura a la Dignidad*, Lima, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha_sector.php?sector=bas&pais=arg&numero=1. In 2001, the government participated in an ILO-IPEC project aimed at strengthening national policy against child labor. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*. See also ILO-IPEC, *Los Proyectos IPEC en breve: Fortalecimiento de la política nacional para la erradicación del trabajo infantil en Argentina*, Lima, 2003, 1; available from <http://www.oit.org>.

¹⁹⁴ With ILO-IPEC assistance, in 2002 the Ministry of Labor produced estimates of the number of working children in Argentina based on data collected in earlier surveys. See Dirección Nacional de políticas de seguridad social, *Datos y Cifras “Diagnóstico de trabajo infantil”*, Buenos Aires, May 15, 2002; available from http://www.conaeti.gov.ar/que_es/files/datosycifras.doc. For information on the status of the new SIMPOC survey, see ILO-IPEC official, electronic communication to USDOL official, August 28, 2002. See also U.S. Embassy– Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001.

governments, and the Government of Chile, has developed a 2002–2004 regional plan to combat child labor in which these governments agree to develop a regional strategy on the issue, build capacity to prevent and eradicate child labor, and analyze and share information on the problem.¹⁹⁵ In early 2003, the Government of Argentina became a participant in a two-year ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.¹⁹⁶ Also in 2003, CONAETI approved a project to address child labor in urban areas.¹⁹⁷ Until May 2003, UNDP also provided support to the Argentine Ministry of Labor, Employment and Social Security and CONAETI for their efforts to eradicate child labor.¹⁹⁸

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.¹⁹⁹ 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.²⁰⁰ The government has also received funding from the World Bank to reform the third cycle of basic education (grades seven to nine) in Buenos Aires Province.²⁰¹

¹⁹⁵ Cristina Borrajo, “Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras,” *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 15–16; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

¹⁹⁶ The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina is provided by the Government of Spain. The project aims, among other goals, to strengthen the ability of the Argentine judiciary to combat commercial sexual exploitation of children. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40. See also ILO-IPEC, *Los Proyectos IPEC en breve: “Programa Luz de Infancia, para la Prevención y Erradicación de la Explotación Sexual Comercial Infantil”*, Lima, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha_sector.php?sector=sex&pais=arg&numero=1.

¹⁹⁷ CONAETI, *Planes y Programas*, [online] [cited August 5, 2003]; available from <http://www.conaeti.gov.ar/actividades/plan.htm>.

¹⁹⁸ UNDP, *Programa de Atención de Problemas Sociolaborales (Proyecto ARG/00/023)*, [online] [cited June 21, 2003]; available from http://www.undp.org.ar/scripts/zope.pcgi/PNUD/proyectos/UIDetallesDeUnProyecto?proyecto=ARG/00/023;_filtro=.

¹⁹⁹ UNICEF, *UNICEF da inicio al programa ‘Las Familias y las escuelas por la educación’*, [online] [cited June 21, 2003]; available from <http://www.unicef.org/argentina/>. See also UNICEF, *Erradicación del trabajo infantil*, [previously online] [cited June 21, 2003]; available from http://www.unicef.org/argentina/frameset.php3?strTitulo=UNICEF+Argentina&strNav=menu.php3&strMain=unicefarg_plancoop2.php3 [hard copy on file]. UNICEF has expressed concerns that although the government has initiated programs to assist children affected by the country’s recession, benefits are not reaching families, at least not in a timely fashion. See Tom Hennigan, “Recession pulls children out of Argentina’s classrooms,” *Christian Science Monitor* (Buenos Aires), June 25, 2003; available from <http://www.csmonitor.com/2003/0625/p07s02-woam.htm>.

²⁰⁰ Inter-American Development Bank, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001; available from <http://www.iadb.org/exr/doc98/apr/ar1345e.pdf>.

²⁰¹ The current project runs until 2005 and aims to rehabilitate school infrastructure, expand the school day, and improve local school management. See World Bank, *Secondary Education Project (03) - Province of Buenos Aires*, [online] [cited June 21, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050714>. The bank funded a similar project from 1998 to 2002. See World Bank, *Secondary Education Project*.

Incidence and Nature of Child Labor

In 2002, the Ministry of Labor estimated that 7.1 percent of children ages 5 to 14 were working in Argentina.²⁰² The rate is believed to be higher in rural than urban areas.²⁰³ Children work in agriculture in such products as tea, tobacco,²⁰⁴ tomatoes, strawberries, and flowers.²⁰⁵ They work in urban sectors such as trash recycling,²⁰⁶ street sales, begging, shoe shining, domestic labor,²⁰⁷ in small and medium businesses,²⁰⁸ small scale garment production, food preparation, and brickwork.²⁰⁹ Children in Argentina are involved in prostitution, pornography, sex tourism, and drug trafficking, but precise statistics are unavailable.²¹⁰

Education is free²¹¹ and compulsory in Argentina for 10 years, beginning at age 5.²¹² In 2000, the gross primary enrollment rate was 120.1 percent, and the net primary enrollment rate was 107.5 percent.²¹³ According to a government survey in 2001, 99.1 percent of children ages 6 to 12 attended school, and 97.2 percent of children ages 13 to 14 attended school.²¹⁴ In 1999, 90.3 percent of children who enrolled in primary school in Argentina reached grade five.²¹⁵ Access to schooling is limited in some rural areas of the country.²¹⁶

²⁰² This represents 482,803 children. These estimates are projections based primarily on a 1997 household survey and other government surveys. See Direccion Nacional de políticas de seguridad social, *Datos y Cifras*. In 2001, the ILO estimated that 2.2 percent of children ages 10 to 14 years in Argentina were working. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Many sources indicate that the number of working children has increased in recent years in Argentina. 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. In 2002, a UNICEF representative reported that in urban areas 6 of every 10 children ages 13 to 17 were working rather than studying. Such estimates are credible given the country's dire economic situation. See U.S. Department of State, *Country Reports- 2002: Argentina*, Section 6d. In addition, the number of street children in Buenos Aires has reportedly increased due to the country's recent economic crisis. See Cynthia Palacios, "Crece la población de chicos en las calles," *La Nación* (Buenos Aires), July 29, 2003; available from <http://www.lanacion.com.ar>.

²⁰³ {CONAETI, n.d. #34} See also Direccion Nacional de políticas de seguridad social, *Datos y Cifras*.

²⁰⁴ U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

²⁰⁵ CONAETI, *Trabajo infantil rural*, [online] 2003 [cited June 21, 2003]; available from http://www.conaeti.gov.ar/que_es/rural.htm.

²⁰⁶ Tom Hennigan, "Recession pulls children out of Argentina's classrooms."

²⁰⁷ Children also wash car windows and open car doors. See CONAETI, *Trabajo infantil urbano*, [online] 2003 [cited June 21, 2003]; available from http://www.conaeti.gov.ar/que_es/urbano.htm. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7.

²⁰⁸ CONAETI, *Trabajo infantil urbano*.

²⁰⁹ CONAETI, *Esquema del Proyecto y Presupuesto*, Buenos Aires, no date, 1; available from http://www.conaeti.gov.ar/actividades/files/pa_conaeti.rtf.

²¹⁰ CONAETI, *Trabajo infantil urbano*. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia"*. See also U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5. There have been reports of the trafficking of children from other Latin American and Asian countries to Argentina for purposes including commercial sexual exploitation. See The Protection Project, "Argentina," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., March 2002; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2002: Argentina*, Section 6c and 6f.

²¹¹ *Ley Federal de Educación*, No. 24.195, Article 39; available from http://www.me.gov.ar/leyfederal/24195_vi.html.

²¹² CONAETI, *Plan Nacional*.

²¹³ 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 2003*.

²¹⁴ The data does not distinguish between gross and net attendance rates. See System for Information, Monitoring, and Evaluation of Social Programs, *Informe sobre la situación social de la infancia y la adolescencia*, National Council for Coordination of Social Policies, Buenos Aires, January 2002; available from <http://www.siempro.gov.ar/informes/situacionsocial/estadistica2002/estadistica2002.htm>.

²¹⁵ World Bank, *World Development Indicators 2003*.

²¹⁶ U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5.

Child Labor Laws and Enforcement

The Law on Labor Contracts (No. 20.744) sets the minimum age for employment at 14 years. Children of legal working age, however, are prohibited from entering employment if they have not completed compulsory education, which normally ends at 15 years.²¹⁷ Children who are under the age of 14 may work only in businesses where family members are employed, as long as the work is not dangerous to them.²¹⁸ Children ages 14 to 18 are prohibited from working more than 6 hours a day and 36 hours a week and must present medical certificates that attest to their ability to perform such work. If permission is obtained from administrative authorities, however, children ages 16 to 18 may work 8 hours a day and 48 hours a week.²¹⁹ 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.²²⁰ The Constitution prohibits slavery.²²¹ The Penal Code prohibits facilitating the prostitution of children, trafficking of children into or out of Argentina for prostitution, and pornography.²²²

In January 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.²²³ Violators of underage employment laws can receive a fine of USD 350 to USD 1,750 for each child employed.²²⁴ UNICEF has charged that the commercial sexual exploitation of children occurs due to police inefficiency and the failure of the judiciary to intervene.²²⁵

The Government of Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.²²⁶

²¹⁷ See Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Article 189. Argentina also has a law that specifically prohibits the employment of children less than 14 in domestic service. See CONAETI, *Legislación: Nacional*, [online] 2003 [cited June 21, 2003]; available from <http://www.conaeti.gov.ar/legislacion/nacional.htm>.

²¹⁸ See *Ley de Contrato de Trabajo*, Article 189.

²¹⁹ 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.

²²⁰ *Ibid.*, Article 190. See also {CONAETI, n.d. #41@1} See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

²²¹ *Constitution of Argentina*, (1853), Section 15; available from http://www.oefre.unibe.ch/law/icl/ar00000_.html.

²²² See *Código Penal*, Título III, Articles 125-28; available from <http://www.undp.org/rblac/gender/campaign-spanish/argentina.htm>.

²²³ This law replaced provincial laws previously in effect. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

²²⁴ U.S. Embassy- Buenos Aires, electronic communication to USDOL official, February 13, 2004.

²²⁵ U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5.

²²⁶ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited June 21, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In November 2002, the Government of Armenia adopted the National Plan of Action for the Protection of Children's Rights. The plan was designed in accordance with the United Nations Convention on the Rights of the Child.²²⁷ The government also established an Interagency Commission on Human Trafficking in October 2002 that coordinates anti-trafficking activities in the country.²²⁸ In early 2003, several Government of Armenia officials visited the United States to participate in consultations on methods to combat trafficking in persons for prostitution, slave labor, and domestic labor.²²⁹ Another Armenian government delegation participated in a Trafficking in Persons workshop in Washington, D.C. in February 2003 hosted by the Department of State's International Visitor Program.²³⁰ Since June 2000, the OSCE Yerevan Office has assembled and distributed an information pack to relevant government departments and agencies, local authorities, and Parliament on the subject of anti-trafficking, including policy and legislative documents.²³¹

The Ministry of Education and Science works in partnership with UNICEF and WorldVision on the Inclusive Education Project to integrate children with special needs into the education system.²³² 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, which will be regularly updated and distributed to Interagency members.²³³ The World Bank is currently funding several projects in Armenia. The Second Social Investment Fund Project aims to upgrade schools, repair school heating systems, and fund furniture purchases for schools, as well as carry out other community development activities that will strengthen local level institutions.²³⁴ The Educational Quality and Relevance Project is building the capacity of the Ministry of Education and Science to develop education quality monitoring systems, strengthen ongoing education reforms, implement

²²⁷ International Bureau for Children's Rights, *Implementation of the Armenian National Plan of Action for the Protection of Children's Rights*, [online] 2003 [cited June 27, 2003]; available from http://www.ibcr.org/Projects/Nat_plan.htm.

²²⁸ The Interagency Commission on Human Trafficking is referred to as the Interagency Task Force in the Department of State's Trafficking in Persons report. See U.S. Department of State, *Trafficking in Persons Report*, U.S. Department of State, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also OSCE Yerevan official, electronic communication to USDOL official, July 1, 2003. The Commission is made up of officials from the Ministry of Foreign Affairs (Consular Department; International Organizations Department; Human Rights Desk), Department on Migration and Refugees, Cabinet of Ministers Administration, Ministry of National Security (Border Control Unit), Police (Department Against Prostitution and Trafficking in Drugs; Criminal Investigation Unit, Transport Police Department; Visas and Registration Department; Police Department at the Yerevan "Zvartnots" International Airport), Prosecutor General's Office, National Assembly (Standing Committee on State and Legal Issues), Ministry of Social Security, National Statistical Service, and the Ministry of Health. See OSCE Yerevan official, electronic communication to USDOL official, August 12, 2003. Organization of Security and Co-operation in Europe (OSCE) has an observer status on the commission. See OSCE Yerevan Office official, electronic communication to USDOL official, February 20, 2003. See also U.S. Department of State, *Trafficking in Persons Report: Armenia*.

²²⁹ Gohar Grigorian, *Opponents of Human Trafficking from Transcaucasia Tour U.S. to Share Information*, UCLA International Institute, [online] February 11, 2003 [cited June 27, 2003]; available from <http://www.international.ucla.edu/article.asp?parentid=3122>.

²³⁰ U.S. Department of State, *International Visitor's Program Workshop*, prepared by Office of International Visitors, pursuant to Combating Trafficking in Persons Report, 2003.

²³¹ Organization for Security and Co-operation in Europe, *Joint Study on Trafficking in Human Beings Published in Armenia*, [online] November 14, 2001 [cited June 27, 2003]; available from http://www.osce.org/news/generate.php3?news_id=2143.

²³² WorldVision, *Armenian children celebrate International Child Protection Day*, [online] 2003 [cited June 27, 2003]; available from <http://www.child-rights.org/pahome2.0.nsf/allArticles/6BA8B6CFC0DC627A88256D4200022271?OpenDocument>.

²³³ OSCE Yerevan Office official, electronic communication, February 20, 2003.

²³⁴ World Bank, *Armenia- Second Social Investment Fund Project*, [project appraisal document] 2000 [cited March 20, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P057952>.

communications technology, and project evaluation.²³⁵ The Government of Armenia is a participating member of the Framework Program of Cooperation between the Council of Europe and Ministries of Education of Armenia, Georgia, and Azerbaijan. The Framework aims to develop the education system in these countries, assist in structural reform of the education sector, develop curriculum and teaching methodologies, and support regional cooperation.²³⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Armenia are unavailable. There are reports that children work in family businesses and on family farms, which is not forbidden by law.²³⁷ Additionally, children in the streets of Yerevan can be observed, often during school hours, selling newspapers and flowers.²³⁸ The commercial exploitation of girls is reportedly increasing in Armenia.²³⁹ Trafficking of girls to Turkey and the United Arab Emirates for prostitution is a problem.²⁴⁰

Primary and basic education is free for all children for 8 years and compulsory through age 14.²⁴¹ In 2000, the gross primary enrollment rate was 103.3 percent and the net primary enrollment rate was 69.3 percent.²⁴² The gross primary school attendance rate was 127.3 while the net primary attendance ratio was 97.20.²⁴³ Dropout, retention, and absenteeism rates remain high in Armenia; possibly as a result of Armenia's serious economic downturn, the high number of non-native Armenian-speaking students and the requirement that all classes must be taught in the Armenian language.²⁴⁴ Access to education in rural areas remains poor.²⁴⁵ Agricultural

²³⁵ World Bank, *Armenia - Educational Quality and Relevance Project*, Integrated Safeguards Data Sheet, September 9, 2002; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000094946_03082904013043.

²³⁶ Council of Europe, *Framework Programme of Co-operation between the Council of Europe Secretariat and the Ministries of Education of the South Caucasus Region: Armenia, Azerbaijan, and Georgia: 2002-2004*, [online] 2002 [cited June 27, 2003]; available from http://www.coe.int/t/e/cultural_co-operation/education/e.d.c/documents_and_publications/by_language/english/framework_programme_south_caucasus.asp#TopOfPage.

²³⁷ 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- 2002: Armenia*, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18351.htm>.

²³⁸ 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. See also Association of Investigative Journalists of Armenia, *Followers of Gavroche: Children on the streets of Yerevan*, hetq online, [online] 2002 [cited June 27, 2003]; available from <http://www.hetq.am/en/h-0403-gavrosh.html>.

²³⁹ Sona Meloyan, *Armenia: Child Prostitution Taboo*, Institute for War and Peace Reporting, [online] June 5, 2003 [cited June 27, 2003]; available from http://www.iwpr.net/index.pl?archive/cau/cau_200306_182_3_eng.txt.

²⁴⁰ Girls are also thought to be trafficked to Germany, Greece, the United States, and other European and Gulf State countries. See IOM, *Trafficking in Women and Children from the Republic of Armenia: A Study*, Yerevan, 2001, 10, 11, 20, 22. See also U.S. Department of State, *Country Reports- 2002: Armenia*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Armenia*.

²⁴¹ U.S. Department of State, *Country Reports- 2002: Armenia*, Section 5. See also U.S. Embassy-Yerevan, *unclassified telegram no. 2213*. See also EuroEducation.net, *Structure of Education System in Armenia*, [online] 2003 [cited June 27, 2003]; available from <http://www.euroeducation.net/prof/armenco.htm>.

²⁴² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁴³ USAID, *Global Education Online Database: Armenia*, 2003 [cited August 6, 2003]; available from http://esdb.cdie.org/cgi-bin/broker.exe?_program=gedprogs.dhspr1_1.sas&_service=default.

²⁴⁴ 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*. See also U.S. Department of State, *Country Reports- 2002: Armenia*, Section 5.

²⁴⁵ UN Committee on the Rights of the Child, *Concluding Observations*, para. 44.

responsibilities take precedence over school in rural areas, and children work in the fields during harvest season leading to prolonged absence from school.²⁴⁶

Child Labor Laws and Enforcement

The Civil Code of 1996 sets the minimum age of employment for children at 16 years. However there are rare cases when a child of 15 years can work in non-dangerous labor situations with the consent of the minor's parents and the labor union of the organization.²⁴⁷ Children under the age of 18 are prohibited by the Labor Code from working in "harmful or hazardous" conditions, such as underground work, and may not work overtime, on holidays, or at night.²⁴⁸ Additionally, the 1996 Law on Children's Rights prohibits children from working in employment activities that may compromise their health, physical, or mental development, or interfere with their education.²⁴⁹ UN officials raised concerns regarding disparities between the Right of the Child Act and the Civil Code.²⁵⁰ Under 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.²⁵¹ The Constitution prohibits forced and bonded labor of children.²⁵² In April 2003, the criminal code was amended to specifically prohibit trafficking of persons for sexual exploitation.²⁵³

The Government of Armenia is a member of the Black Sea Economic Cooperation and cooperates with other members to combat organized crime, including criminal activities concerning trafficking in human beings and sexual exploitation of women and children.²⁵⁴ Local community councils and unemployment offices are responsible for enforcing child labor laws.²⁵⁵ Alleged violations of child labor laws are brought before the Ministry of Social Welfare for investigation. If there is probable cause, the Ministry turns the case over to the National Police, which takes action. There are no reports of child labor complaints being investigated since 1994.²⁵⁶

The Government of Armenia has not ratified ILO Convention 138 or ILO Convention 182.

²⁴⁶ Ministry of Foreign Affairs of the Republic of Armenia, Embassy of the Republic of Armenia Letter.

²⁴⁷ See Civil Code as cited in Ibid, articles 19, 198.1. See also U.S. Embassy-Yerevan, *unclassified telegram no. 2213*. See also U.S. Department of State, *Country Reports- 2002: Armenia*, Section 6d.

²⁴⁸ Workers ages 16-18 must have a shorter workday and cannot work more than 36 hours per week, according to the Labor Code (children 15 years of age may only work 24 hours per week). The Ministry of Social Welfare maintains a list of "hazardous and harmful" jobs in which children are not allowed to work. See Labor Code as cited in Ministry of Foreign Affairs of the Republic of Armenia, *Embassy of the Republic of Armenia Letter*, articles 200, 02, and 15. See also U.S. Embassy-Yerevan, *unclassified telegram no. 2213*.

²⁴⁹ U.S. Embassy-Yerevan, *unclassified telegram no. 2213*.

²⁵⁰ UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

²⁵¹ 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, para. 8 & 9.

²⁵² U.S. Department of State, *Country Reports- 2002: Armenia*, Section 6c.

²⁵³ This will go into effect in August 2003. See U.S. Department of State, *Trafficking in Persons Report: Armenia*. See also OSCE Yerevan Office official, electronic communication to USDOL official, July 1, 2003. Traffickers of women and children can also be tried under other articles of the criminal code. See U.S. Department of State, *Country Reports- 2002: Armenia*, Section 6f.

²⁵⁴ Armenia is a signatory to the *Agreement Among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on Cooperation in Combating Crime, In Particular in its Organized Forms*. Participating states include the Republic of Albania, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, Georgia, the Hellenic Republic, the Republic of Moldova Romania, the Russian Federation, the Republic of Turkey, and Ukraine. See Working Group on Cooperation in Combating Crime, *Agreement Among the Governments of the BSEC Participating States on Cooperation in Combating Crime, in Particular in its Organized Forms*, Black Sea Economic Cooperation, [online] 2-3 [cited June 30, 2003]; available from <http://www.bsec.gov.tr/cooperation.htm>.

²⁵⁵ U.S. Department of State, *Country Reports- 2002: Armenia*, Section 6d.

²⁵⁶ 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*.

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

The Government of Bahrain has developed a national action plan to help implement ILO Convention 182.²⁵⁷ The government has established educational training programs for school dropouts,²⁵⁸ and also funds the Child Care Home for children whose parents can no longer provide for them.²⁵⁹ The protection of children from exploitation and neglect, as well as assisting their physical, spiritual, and moral growth, is considered a role of the State.²⁶⁰

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 and vendors.²⁶¹ Child trafficking is a problem throughout the Middle East and the Gulf States, although there are no official confirmations of such activities in Bahrain.²⁶²

Primary education is compulsory and free under the Constitution and generally lasts until the age of 12 or 13.²⁶³ In 2000, the gross primary enrollment rate was 103.0 percent, and the net primary enrollment rate was 96.0 percent.²⁶⁴ The net primary attendance rate in 2001 was 85 percent for male children and 84.0 percent for female children.²⁶⁵ In 1999, 100.7 percent of children in primary school reached grade five.²⁶⁶ Bahrain's Shura Council approved a draft Education Law on October 9, 2001, that will enforce the compulsory aspect of education by imposing fines of up to 100 Bahraini Dinar (USD 263) on parents of students who fail to attend school.²⁶⁷ The government has never promulgated the law.²⁶⁸

Child Labor Laws and Enforcement

The Labor Law of 1976 establishes 14 years as the minimum age for employment.²⁶⁹ Under the Labor Law, juveniles between the ages of 14 and 16 may not be employed in hazardous conditions, at night, or for more than

²⁵⁷ U.S. Embassy- Manama, *unclassified telegram no. 3448*, October 2001.

²⁵⁸ ILO, *Review of Annual Reports- The Effective Abolition of Child Labor: Bahrain*, GB.277/3/2, Geneva, March 2002, 212.

²⁵⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Bahrain*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18273.htm>.

²⁶⁰ *Constitution of the State of Bahrain*, (December 6, 1973), Article 5a; available from http://www.oefre.unibe.ch/law/icl/ba00000_.html.

²⁶¹ U.S. Embassy- Manama, *unclassified telegram no. 2602*, June 2000. See also U.S. Department of State, *Country Reports- 2002: Bahrain*, Section 6d.

²⁶² U.S. Department of State, *Country Reports- 2002: Bahrain*, Section 6f. See also Protection Project, "Bahrain," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002; available from <http://209.190.246.239/ver2/cr/Bahrain.pdf>.

²⁶³ *Constitution of Bahrain*, Article 7(a) [cited July 25, 2002]. See also U.S. Department of State, *Country Reports- 2002: Bahrain*, Section 5.

²⁶⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁶⁵ *At a glance: Bahrain*, UNICEF, [online] 2003 [cited September 4, 2003]; available from http://www.unicef.org/infobycountry/bahrain_statistics.html.

²⁶⁶ World Bank, *World Development Indicators 2003*.

²⁶⁷ U.S. Embassy- Manama, *unclassified telegram no. 3448*. For currency conversion, see *Universal Currency Converter*, XE.com, [online] 2003 [cited September 4, 2003]; available from <http://www.xe.com/ucc/convert.cgi>. Information on the current status of the draft law is not available.

²⁶⁸ U.S. Embassy- Manama, electronic communication to USDOL official, February 25, 2004.

²⁶⁹ *The Labour Law for the Private Sector, 1976: The Employment of Juveniles*; available from <http://www.bah-molsa.com/english/chap8.htm>.

6 hours per day.²⁷⁰ 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.²⁷¹ Labor laws do not apply to child domestic workers.²⁷² Forced or compulsory child labor is prohibited by the Constitution.²⁷³ Prostitution is illegal under the Penal Code, and encouraging a child less than 18 years of age to enter into prostitution is punishable by 2 to 10 years of imprisonment.²⁷⁴

The Government of Bahrain has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 23, 2001.²⁷⁵

²⁷⁰ Ibid. See also U.S. Embassy- Manama, *unclassified telegram no. 3448*.

²⁷¹ U.S. Department of State, *Country Reports- 2002: Bahrain*, Section 6d. See also Ambassador to the U.S. Khalifa Ali Al-Khalifa, Response to Information Request, USDOL official, August 26, 2003.

²⁷² U.S. Department of State, *Country Reports- 2002: Bahrain*, Section 6c. 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. Foreigners make up two-thirds of the workforce.

²⁷³ *Constitution of Bahrain*, Article 13(c).

²⁷⁴ 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. U.S. Department of State, *Country Reports- 2002: Bahrain*, 6f. See Penal Code of Bahrain, Articles 324-329, as cited in Protection Project, "Bahrain." See also *Legislation of Interpol member states on sexual offences against children: Bahrain*, Interpol, [database online] [cited June 13, 2003]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLawsold/csaBahrain.asp>.

²⁷⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 13, 2003]; available from <http://www.ilo.org/ilolex/english/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 1994.²⁷⁶ The ILO-IPEC program in Bangladesh has implemented various 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.²⁷⁷ These programs include USDOL-funded projects to eliminate child labor in the garment sector and in five hazardous industries, including bidis,²⁷⁸ construction, leather tanneries, matches, and domestic service in the homes of third parties.²⁷⁹ In 2000, USDOL also provided funding for a second national child labor survey, which was conducted in 2002 – 2003 by the Bangladesh Bureau of Statistics with technical assistance from ILO-IPEC's SIMPOC.²⁸⁰ The Bangladesh Ministry of Labor, with the support of USAID, is implementing projects to combat child labor in selected industries including printing and bookbinding, welding, weaving, and fisheries.²⁸¹ The Government of Bangladesh does not yet have a comprehensive child labor policy.²⁸²

The government has developed a country-wide education program that trains school supervisors and teachers in a child-centered teaching methodology that is more open to children with special needs, such as current or former working children.²⁸³ In April 2000, the Government of Bangladesh began a stipend program that provides 20 taka (USD 0.33) per month to mothers of poor households as an incentive to send their children to school.²⁸⁴

²⁷⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 4, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁷⁷ ILO, *The Effective Abolition of Child Labour*, Geneva, 2001, 215 [cited September 1, 2003]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

²⁷⁸ A *bidi* is a type of small, hand-rolled cigarette. U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18309.htm>.

²⁷⁹ 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 Understandings (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 document, BGD/00/P50/USA/INT/00/PIS/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. Domestic service in third party homes is often considered a worst form of child labor because the work is usually not covered by labor laws, and its hidden nature leaves children vulnerable to abuse. See ILO-IPEC, *A Future Without Child Labour*, Geneva, 2002, 29.

²⁸⁰ 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, June 2002, section 2.4.5. The ILO will disseminate the report by the end of the year. U.S. Embassy- Dhaka, *unclassified telegram no. 3254*, September 15, 2003. The Bangladesh Bureau of Statistics conducted the first child labor survey in 1995. See Bangladesh Bureau of Statistics, *Report on National Sample Survey of Child Labour in Bangladesh, 1995-1996*, ILO-IPEC, Dhaka, October 1996.

²⁸¹ Other sectors covered by the project include ILO, *The Effective Abolition of Child Labour*, 216.

²⁸² U.S. Embassy- Dhaka, *unclassified telegram no. 3254*.

²⁸³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/65/Add.22, pursuant to Second Periodic Reports of States Parties due in 1997, Bangladesh, June 12, 2001, 54. In June 2002, the government's efforts to develop and implement education policies to improve the quality and efficiency of the primary education system were recognized when Bangladesh was invited to become part of the Education for All Fast Track group. Deborah Llewellyn, *Summary of Child Education and Protection Laws*, prepared by U.S. Embassy- Dhaka, 2003, 3.

²⁸⁴ Delwar Hossain, interview with USDOL official, June 2000. For currency conversion see FX Converter, [online] [cited September 1, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

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.²⁸⁵ Bangladesh is one of three countries included in the USDOL-funded ILO-IPEC South Asia Sub-Regional Program to Combat Trafficking in Children for Exploitative Employment.²⁸⁶ 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 2001.²⁸⁷ Through this Plan, the government supports activities that raise awareness, sensitize law enforcement officials, work with schools and improve laws to combat trafficking of children.²⁸⁸ In November 2002, USAID supported a nationwide awareness raising campaign on the prevention of trafficking in Bangladesh. The program, with participation from the Ministry of Women and Children's Affairs, includes activities such as the briefing of law enforcement representatives and judges on legal proceedings regarding trafficking.²⁸⁹

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.²⁹⁰ In addition, the UNDP is working with the same ministry on a program to be implemented in six divisions of Bangladesh, providing 30,000 vulnerable street children with social services and improving the quality and outreach of selected agencies working in the sector.²⁹¹

As part of its Country Program 2001–2005, the World Food Program provides snacks for non-formal primary education students in areas with low enrollment. The Program also provides supplementary snacks and skills training to adolescent girls.²⁹² 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.²⁹³ In early 2003, the World Bank provided USD 18.24 million for a government program to develop a Social Investment Program, which will benefit, among other groups, street children and vulnerable populations.²⁹⁴

²⁸⁵ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, Washington, D.C., 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

²⁸⁶ 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. See also ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, February 2002, 8.

²⁸⁷ ECPAT International, *Bangladesh*, in ECPAT International, [database online] 2002 [cited September 1, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

²⁸⁸ U.S. Department of State, *Trafficking in Persons Report*.

²⁸⁹ U.S. Embassy- Dhaka, *unclassified telegram no. 3500*, December 09, 2002.

²⁹⁰ 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).

²⁹¹ United Nations Development Program Bangladesh, *UNDP Bangladesh - Individual Project Information*, UNDP, 1997; available from <http://www.un-bd.org/undp/pages/project.php?id=BGD/97/028>.

²⁹² The World Food Programme, *Country Programme- Bangladesh (2001 - 2005)*, WFP/EB.3/2000/7, The United Nations, September 15, 2000, 16; available from http://www.wfp.org/country_brief/indexcountry.asp?country=050.

²⁹³ 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, CA, February 7–9, 2001); available from <http://www.childlabor.org/frames.html> [hard copy on file]. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted*, 56. See also U.S. Department of State, *Country Reports*, section 6d.

²⁹⁴ The World Bank Group, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 13.5 Million (US\$ 18.24 Million Equivalent) to the People's Republic of Bangladesh for a Social Investment Program Project.*, 25310 - BD, The World Bank, February 16, 2003, 7; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2003/03/29/000094946_03030604005261/Rendered/PDF/multi0page.pdf.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 27.3 percent of children ages 10 to 14 years in Bangladesh were working.²⁹⁵ Reports indicate that children are found working in 200 different activities, 49 of which were identified as worst forms.²⁹⁶ Children are frequently found working in the agricultural sector²⁹⁷ and in the informal sector.²⁹⁸ Children are found working in a variety of hazardous occupations and sectors, including bidi factories, construction, tanneries, and the seafood and garment industries.²⁹⁹ An ILO survey estimated that there are over 12,000 children working in hazardous conditions throughout the city of Dhaka.³⁰⁰ Many children work as domestic servants, porters, and street vendors,³⁰¹ and are sexually exploited as prostitutes.³⁰² In addition, many children are also reported to be involved with criminal gangs engaged in arms and drug trading and smuggling.³⁰³

Children from Bangladesh are trafficked internationally for purposes of bonded labor, domestic service, sexual exploitation,³⁰⁴ the sale of organs, and marriage.³⁰⁵ Child trafficking is on the increase in Bangladesh.³⁰⁶ The problem is compounded by the low rate of birth registration, since children without legal documents have no proof that they are underage.³⁰⁷ UNICEF estimates that 4,500 children from Bangladesh are trafficked to Pakistan each year.³⁰⁸ India is another common destination for trafficked children and the lack of enforcement at the border facilitates illegal border crossings.³⁰⁹ Trafficking takes place from rural areas of Bangladesh to its larger cities, and to countries in the Gulf region and the Middle East.³¹⁰ Young boys have been trafficked to the United

²⁹⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁹⁶ Bangladesh Bureau of Statistics, *Report on National Sample Survey of Child Labour*. See also U.S. Department of State, *Country Reports*, Section 6d.

²⁹⁷ ILO, *The Effective Abolition of Child Labour*, 214.

²⁹⁸ 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 4.d.; available from http://www.unicef.org/specialsession/how_country/edr_bangladesh_en.PDF.

²⁹⁹ 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.

³⁰⁰ UN Wire, *Bangladesh: ILO Discovers "Extreme Forms" of Child Labor in Dhaka*, United Nations Foundation, [online] February 11, 2002 [cited September 1, 2003]; available from http://www.unwire.org/UNWire/20020211/23743_story.asp. 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> [hard copy on file].

³⁰¹ Please see source for additional forms of child labor. Dr. Wahidur Rahman, *Child Labour Situation in Bangladesh: Rapid Assessment*, ILO in collaboration with UNICEF, ix, 23.

³⁰² *Ibid.*, xi.

³⁰³ Coalition to Stop the Use of Child Soldiers, "Bangladesh," in *Child Soldiers Global Report*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument>.

³⁰⁴ U.S. Department of State, *Trafficking in Persons Report*. See also ECPAT International, *Bangladesh*, "trafficking". See also Somini Sengupta, *Child Traffickers Prey on Bangladesh*, New York Times Online, [online] April 29, 2002 [cited September 1, 2003]; available from <http://query.nytimes.com/gst/abstract.html?res=F30B10F7355A0C7A8EDDAD0894DA404482>.

³⁰⁵ ILO-IPEC, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh (TICSA)*, RAS/02/P51/USA, Dhaka, February, 2002, 17.

³⁰⁶ U.S. Department of State, *Trafficking in Persons Report*.

³⁰⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted*, 18.

³⁰⁸ ECPAT International, *Bangladesh*. See also U.S. Department of State, *Country Reports*, section f.

³⁰⁹ ECPAT International, *Bangladesh*. See also UN Wire, *ILO Discovers "Extreme Forms" of Child Labor*. See also U.S. Department of State, *Country Reports*.

³¹⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Bangladesh*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

Arab Emirates (UAE) and Qatar to work as camel jockeys.³¹¹ However, in 2002, the Government of the UAE made progress in stemming the trafficking of children to the country.³¹² The internal trafficking of children is a larger problem than external trafficking.³¹³

In 1991, the Government of Bangladesh made primary education compulsory for children aged 6 to 10 years.³¹⁴ Bangladesh has achieved gender parity in primary school enrollment.³¹⁵ In 2000, the gross primary enrollment rate was 100.3 percent, and the net primary enrollment rate was 88.9 percent.³¹⁶ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school. Primary school attendance rates are unavailable for Bangladesh.³¹⁷ 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.³¹⁸ Basic competency surveys reveal that only one-half of children who complete primary schools in Bangladesh achieve a minimum basic education level.³¹⁹

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 10 sectors including the tanning, bidi, carpet, cloth, cement, and fireworks manufacturing sectors. The Act also prohibits children less than 15 years of age from working in railways or ports.³²⁰ The Mines Act prohibits children under 15 years of age from working in mines.³²¹ The Factories Act and Factories Rules establish 14 years as the minimum age for employment in factories,³²² and the Children's Act of 1974 prohibits the employment of children less than 15 years as beggars and in brothels.³²³ The majority of

³¹¹ 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, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, 15. See also Mike Wooldridge, *The Seamy Side of Camel Racing*, BBC News, [online] April 17, 1998 [cited September 1, 2003]; available from <http://news.bbc.co.uk/2/hi/despatches/79504.stm>.

³¹² 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, [previously online] August 1, 2002 [cited October 8, 2002]; available from <http://www.protectionproject.org/main1.htm> [hard copy on file]. 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.

³¹³ ILO-IPEC, *Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh*, xviii.

³¹⁴ U.S. Department of State, *Country Reports*, Section 5.

³¹⁵ UNICEF, *Country Profiles: Bangladesh*, [previously online] [cited September 9, 2003]; available from <http://www.unicef.org/programme/countryprog/rosa/bangladesh/mainmenu.htm> [hard copy on file].

³¹⁶ World Bank, *World Development Indicators 2003*.

³¹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³¹⁸ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, section 4.f. (vi).

³¹⁹ UNICEF, *Country Profiles: Bangladesh*, 2 of 2.

³²⁰ Government of Bangladesh, *The Employment of Children Act No. XXVI (as modified by Act LIII of 1974)*, (1938), [cited September 1, 2003]; available from <http://natlex.ilo.org/txt/E38BGD01.htm>.

³²¹ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*, December 2000.

³²² Government of Bangladesh, *The Factories Rules*, Article 76, (1979), [cited September 1, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also Government of Bangladesh, *Factories Act, 1965 (No. 4 of 1965)*, (1965); available from <http://natlex.ilo.org/txt/E65BGD01.htm>.

³²³ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*. See also ILO-IPEC, *South-Asian Sub-Regional Programme, technical progress report*.

child workers are found in the agriculture and domestic work sectors, but there are no specific laws covering the informal sectors.³²⁴ The Constitution forbids all forms of forced labor.³²⁵

The Suppression of Immoral Traffic Act prohibits importing females for the purposes of prostitution.³²⁶ The Suppression of Violence against Women and Children Act, passed in 2000, protects children from sexual harassment and maiming for the use of begging or the selling of body parts, and it gives the courts the power to impose fines to the victims of the offense.³²⁷ Prostitution is legal for women over the age of 18 with government certification.³²⁸ The legal definition of prostitution does not account for males, so the government provides few services for boy victims of child prostitution.³²⁹ The Extradition Act enables the government to order traffickers who live or have escaped to other countries home for trial.³³⁰ The government provides support to returned trafficked victims but shelters were inadequate to meet their needs.³³¹

The Ministry of Labor and Employment is designated to enforce labor legislation; however, due to a lack of manpower and corrupt government officials, child labor laws are seldom enforced outside of the garment export industry.³³² The National Children's Council monitors the implementation of the Convention on the Rights of the Child³³³ and is the highest authority for overall policy guidance on child development.³³⁴ Government officials have arrested, prosecuted and assigned prison sentences to some traffickers.³³⁵ However, the courts system is overwhelmed by roughly one million excess cases, corruption is pervasive at the lower levels of the government, and officials in violation of laws are rarely reprimanded.³³⁶ In addition, traffickers are often charged with lesser crimes and are, therefore, difficult to identify.³³⁷

The Government of Bangladesh has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 12, 2001.³³⁸

³²⁴ U.S. Embassy- Dhaka, *unclassified telegram no. 2999*.

³²⁵ *The Constitution of the People's Republic of Bangladesh*, Article 34, (November 1972), [cited September 1, 2003]; available from <http://www.bangladeshgov.org/pmo/constitution/>.

³²⁶ 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)*, Sections 9-12, (1933), [cited October 16, 2003]; 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 16, 2003], 9; available from <http://209.190.246.239/protectionproject/statutesPDF/BANGLADESHf.pdf>.

³²⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted*, 7.

³²⁸ U.S. Department of State, *Country Reports*, Section 6f.

³²⁹ ECPAT International, *Bangladesh*, Child Prostitution.

³³⁰ Mina Neumuller, *The Legal Framework on Trafficking in Bangladesh, Nepal and Sri Lanka*, ILO-IPEC, Katmandu, October, 2000, 16.

³³¹ U.S. Department of State, *Country Reports*, Section 6f.

³³² 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*, September 27, 2001. See also U.S. Embassy- Dhaka, *unclassified telegram no. 2999*. See also U.S. Department of State, *Country Reports*, Section 6f.

³³³ ECPAT International, *Bangladesh*.

³³⁴ Ministry of Women and Children Affairs, *National Report on Follow-up to the World Summit for Children*, "Renewed Commitment to the Convention on the Rights of the Child".

³³⁵ U.S. Department of State, *Trafficking in Persons Report: Bangladesh*. At the end of 2002, 29 convictions of traffickers were obtained, and punishments ranged from 2 years to life. U.S. Embassy- Dhaka, *unclassified telegram no. 3500*.

³³⁶ U.S. Department of State, *Trafficking in Persons Report*.

³³⁷ U.S. Department of State, *Country Reports*, Section 6f.

³³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 9, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.³³⁹ Preliminary regional research has shown that the worst forms of child labor may exist in the criminal and informal sector in many Caribbean countries.³⁴⁰ The Government of Barbados and labor unions, like the Barbados Workers Union, have continued to work to prevent child labor within the country and across the Caribbean region.³⁴¹ The Government continues to ban all imports from countries where child labor was utilized in the production process.³⁴²

The Ministry of Education has committed itself to a 7-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.³⁴³ 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.³⁴⁴

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Barbados are unavailable.³⁴⁵ Information on child labor practices in the informal sector is also limited.³⁴⁶

Education is free of charge in government institutions and compulsory for children ages 5 to 16. School attendance is strictly enforced.³⁴⁷ In 2000, the gross primary enrollment rate was 110.1 percent and the net primary enrollment rate was 104.9 percent.³⁴⁸ 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.³⁴⁹

³³⁹ 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. See Peter Richards, *Labor-Caribbean: Region Takes Stock of Child Work*, Inter Press Service, [previously on-line] May 7, 2002 [cited August 13, 2002]; available from <http://www.globalmarch.org/clns/daily-news/may-2002/may-7-2002-3.htm> [hard copy on file].

³⁴⁰ Ibid.

³⁴¹ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, September 11, 2001. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1511*, May 1997.

³⁴² Ibid.

³⁴³ Ministry of Education official, *EFA in the Caribbean: Assessment 2000, Barbados Country Report*, 2000 [cited June 28, 2003], Part II Analytic Section; available from http://www2.unesco.org/wef/countryreports/barbados/rapport_2.html.

³⁴⁴ Mr. Glenroy Cumberbatch, *EFA in the Caribbean: Assessment 2000, Barbados Country Report*, 2000 [cited June 28, 2003]; available from http://www2.unesco.org/wef/countryreports/barbados/rapport_2.html.

³⁴⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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. 1126*.

³⁴⁶ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

³⁴⁷ Parents can be fined, and school attendance officers fined or imprisoned for failure to enforce attendance for up to 3 months. Ibid. 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.

³⁴⁸ World Bank, *World Development Indicators 2003*. 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. Mr. Glenroy Cumberbatch, *EFA 2000 Report: Barbados*.

³⁴⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

Child Labor Laws and Enforcement

The Miscellaneous Provisions of the Employment Act sets the minimum age for employment in Barbados at 16 years, and children are not permitted to work during school hours.³⁵⁰ 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.³⁵¹ The Police Force and the Department of Labor have jurisdiction over the monitoring and enforcement of child labor legislation,³⁵² and labor inspectors conduct spot checks of businesses and check records to verify compliance with the law.³⁵³

The Constitution prohibits forced labor.³⁵⁴ Procurement of all persons for prostitution is illegal and punishable with 15 years imprisonment.³⁵⁵

The Government of Barbados ratified ILO Convention 138 on January 4, 2000 and ILO Convention 182 on October 23, 2000.³⁵⁶

³⁵⁰ Employment Act stipulates that no person may employ children of compulsory school age during school hours. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also UN Committee on the Rights of the Child, *Consideration of Reports*, para. 202.

³⁵¹ 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. 1126*.

³⁵² According to the Employment Act, Section 17 and 19, police have the authority to enter any business under suspicion of using child laborers in order to inspect the facilities. According to the Employment Act, Section 15, the penalty for violating child labor legislation is imprisonment for up to 12 months and/or a fine of up to USD 1,000. Ibid.

³⁵³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Barbados*, [on-line] March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18319.htm>. It has been reported that the government is willing to investigate and inspect cases of child labor if incidents of child labor should arise. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*.

³⁵⁴ *Constitution of Barbados*, (1966), Chapter III, Section 14 (2); available from <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Barbados/barbados.html>.

³⁵⁵ Government of Barbados, *Criminal Code*, Article 13; available from <http://209.190.246.239/protectionproject/statutesPDF/Barbadosf.pdf>. Any adult who has sexual intercourse with a child under 16 years of age may be imprisoned for 15 years. If the child is over the age of 16 years the person may be imprisoned for 10 years. See *Criminal Code*.

³⁵⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 25, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Belize has been a member of ILO-IPEC since 2000.³⁵⁷ The government has also established a National Committee for Families and Children (NCFC). The committee is responsible for monitoring the National Plan of Action for Children and includes a subcommittee on child labor.³⁵⁸ The 1998 Lima Accord has led to regional and national plans incorporating children's issues.³⁵⁹ Belize recently established a National Task Force to combat trafficking.³⁶⁰ In 2003, the government released the results of a national child labor survey, funded by USDOL with technical assistance from ILO-IPEC's SIMPOC.³⁶¹

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 textbook loan scheme, and strengthening of the capacity of the Ministry of Education.³⁶²

Incidence and Nature of Child Labor

In 2001, a Child Activity Survey conducted by government's Central Statistical Office estimated that 14 percent of children ages 5 to 17 are economically active in Belize.³⁶³ The agricultural industry constitutes the largest employer of child workers, followed by work in community, social, and personal services (such as domestic work), retail and repair, construction, tourism, and manufacturing.³⁶⁴ Seventy-five percent of economically active children are found in rural regions,³⁶⁵ where they work after school, on weekends and during vacations on family

³⁵⁷ ILO-IPEC, *All about IPEC: Programme Countries*, [online database] August 13, 2003 [cited August 14, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁵⁸ Hon. Dolores Balderamos-Garcia, Minister of Human Development, Women and Children and Civil Society, Statement at the UN Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/belizeE.htm>. The National Plan of Action for Children was incorporated into the National Plan of Action for Human development for Belize in 1996. The NCFC includes relevant government personnel, and representatives from local and international organizations. See UN Committee on the Rights of the Child, *Summary Record*, CRC/C/SR.511, prepared by Government of Belize, pursuant to Article 44 of the Convention on the Rights of the Child, 1999, Points 21 and 26; available from <http://www.unhchr.ch/tbs/doc.nsf/0/ed3cd328722362598025675a00353633?Opendocument>. See also U.S. Embassy– Belize, *unclassified telegram no. 773*, August 2003.

³⁵⁹ UNICEF is assisting with the implementation of the national plan in Belize. See UN Committee on the Rights of the Child, *Summary Record*, Point 27.

³⁶⁰ U.S. Embassy– Belize, *unclassified telegram no. 226598*, August 2003.

³⁶¹ SIMPOC and the Central Statistical Office of the Government of Belize, *Child Labour in Belize: A Statistical Report*, ILO, 2003; available from http://www.ilo.org/public/english/standards/ipec/simpoc/belize/report/be_natl.pdf.

³⁶² 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; available from http://www2.unesco.org/wef/countryreports/belize/rapport_1.htm.

³⁶³ SIMPOC and Belize, *Child Labour in Belize*, xviii. Although released in 2003, the survey was conducted in 2001.

³⁶⁴ Ibid.

³⁶⁵ Thirty percent of economically active children live in the Toledo district. See Ibid.

plots and businesses³⁶⁶ and are involved in the citrus, banana, and sugar industries as field workers.³⁶⁷ In urban areas, children shine shoes, sell newspapers and other small items, and work in markets.³⁶⁸ Teenage girls, many of whom have migrated from neighboring Central American countries, are reported to work as domestic servants, barmaids and prostitutes.³⁶⁹ No instances of forced child labor were reported in 2002,³⁷⁰ and there were few confirmed cases of trafficking in children for the purpose of prostitution.³⁷¹ However, the practice of selling female children to older men for sexual purposes has been noted to occur throughout the country.³⁷²

Education in Belize is compulsory between the ages of 5 and 15.³⁷³ Primary education is free, but related expenses, such as uniforms and books, are a financial strain on poor families.³⁷⁴ In 2000, the gross primary enrollment rate was 128.1 percent, and the net primary enrollment rate was 100.1 percent.³⁷⁵ Primary school attendance rates are unavailable for Belize. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁷⁶ Results from the Child Activity Survey indicate that 47 percent of economically active children do not attend school.³⁷⁷

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 and 14 may only participate in light work that is not harmful to life, health or education. In addition, children between

³⁶⁶ Different ethnic communities take varied approaches to child labor. See U.S. Embassy- Belize, *unclassified telegram no. 771*, July 2000. 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*, January 2001.

³⁶⁷ Children work in trading, transportation, micro-businesses and other sectors in the northern Commercial Free Zone, which caters to cross-border Mexican trade. Immigrant and migrant children are particularly susceptible to work in the informal sector and the banana industry. See Ramon Puck, "Belize Forced Child Labour" (paper presented at the Americas Regional Forced Child Labour Symposium, Panama, June 25-27, 2001). See also UN Committee on the Rights of the Child, *Concluding Observations*, prepared by Government of Belize, pursuant to Article 44 of the Convention on the Rights of the Child, May 10, 1999, 7. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Belize*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18320.htm>.

³⁶⁸ U.S. Embassy- Belize, *unclassified telegram no. 771*.

³⁶⁹ Ibid. A study on sex trafficking commissioned in 2001 by the National Committee for Families and Children and UNICEF found that 35 per cent of those working in the sex industry were under 18 years old, with the youngest being 13. See U.S. Department of State, *Country Reports 2002: Belize*, Section 6f. The study was conducted with assistance from Casa Alianza-Costa Rica and OAS, also based in Costa Rica. See National Committee for Families and Children, *Sexual Exploitation*, The Ministry of Human Development, Women and Civil Society, 2001; available from http://www.belize.gov.bz/cabinet/d_balderamos_garcia/issue1/page6.htm.

³⁷⁰ U.S. Department of State, *Country Reports 2002: Belize*, Section 6c.

³⁷¹ Ibid., Section 6f. Belize is considered to be a destination country for trafficking for sexual exploitation. Despite the lack of prosecutions, government representatives, and consulates have confirmed cases of trafficking in women and children from Guatemala, Honduras, El Salvador and Nicaragua. See International Human Rights Law Institute, *In Modern Bondage: Sex Trafficking in the Americas*, DePaul University College of Law, Chicago, October 2002, 3; available from http://www.law.depaul.edu/institutes_centers/iharli/pdf/full_document.pdf. Internal trafficking of girls also occurs. See U.S. Department of State, *Trafficking in Persons Report- 2003: Belize*, U.S. Department of State, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

³⁷² U.S. Department of State, *Country Reports 2002: Belize*, Section 5, 6f.

³⁷³ Government of Belize, *Education Act*, Chapter 36, (April 24, 1991), [cited August 13, 2003]; available from <http://www.belize.gov.bz/lawadmin/index2.html>. Children may enter a secondary school, the government-run apprenticeship program, or a vocational institution after completing primary education. However, admission to these programs is highly competitive, as they only have space for about half of the children finishing primary school. See U.S. Department of State, *Country Reports 2002: Belize*, Section 5.

³⁷⁴ U.S. Department of State, *Country Reports 2002: Belize*, Section 5.

³⁷⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁷⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

³⁷⁷ SIMPOC and Belize, *Child Labour in Belize*, xviii.

12 and 14 years may work only after school hours and for a total of 2 hours on a school day or Sunday; they may work between the hours of 6 a.m. and 8 p.m. on any day.³⁷⁸ The Labor Law applies to all employment in the formal sector, but not to self-employment or employment by family members.³⁷⁹ The minimum age for employment near hazardous machinery is 17 years.³⁸⁰ The Labor Law sets penalties for non-compliance with minimum age standards at USD 20 or 2 months imprisonment for the first offense, and in the case of subsequent offenses, at USD 50 or 4 months imprisonment.³⁸¹ Forced and bonded labor are prohibited in Belize.³⁸²

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.³⁸³

In 2003, Belize enacted the Trafficking in Persons (Prohibition) Act.³⁸⁴ Traffickers can also be prosecuted under immigration laws, and the Criminal Code, which prohibits procuring a female for sexual exploitation in or outside of Belize.³⁸⁵

Inspectors from the Departments of Labor and Education enforce labor regulations.³⁸⁶ However, despite the addition of seven new labor officers in 2001, senior officials indicate that they do not have enough staff to monitor every farm and shop in the country.³⁸⁷ The Ministry of Education investigates complaints of truancy and minor forms of child labor. The NOPCA receives complaints on the worst forms of child labor and refers them to the Department of Human Services and the Police.³⁸⁸ The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society, the police and immigration officials investigate trafficking cases involving children.³⁸⁹

The Government of Belize ratified both ILO Convention 138 and ILO Convention 182 on March 6, 2000.³⁹⁰

³⁷⁸ U.S. Department of State, *Country Reports 2002: Belize*. See as Government of Belize, *Labour Act*, Chapter 297, (December 31, 2000), Section 160-69 [cited October 8, 2003]; available from <http://www.belize.gov.bz/lawadmin/index2.html>. The Ministry of Labor is working to update its laws with assistance from the ILO's Caribbean Office. See U.S. Embassy- Belize, *unclassified telegram no. 773*.

³⁷⁹ U.S. Embassy- Belize, *unclassified telegram no. 771*.

³⁸⁰ U.S. Department of State, *Country Reports 2002: Belize*, Section 6d. However, children may engage in electrical work at the age of 14. See UNICEF, *Child Labour: At what age? in State of the World's Children*, UNICEF, Geneva, 1997.

³⁸¹ *Labour Act*, Section 172.

³⁸² *Constitution of Belize*, (1981), Article 8(2); available from <http://www.georgetown.edu/LatAmerPolitical/Constitutions/Belize/belize.html>. See also U.S. Department of State, *Country Reports 2002: Belize*, Section 6d.

³⁸³ Government of Belize, *Families and Children Act*, (July 8, 1998), 91-173; available from <http://natlex.ilo.org/natlexnewfaceE.htm>.

³⁸⁴ U.S. Embassy- Belize, *unclassified telegram no. 226598*.

³⁸⁵ The government amended its Immigration Act to include penalties for trafficking in illegal immigrants. See U.S. Department of State, *Trafficking in Persons Report- 2003: Belize*. The Criminal Code proscribes a 5-year sentence for the crime of procuring a female for prostitution either inside or outside Belize. See Criminal Code, Chapter 101, Section 18(1), 49-50 as cited in International Human Rights Law Institute, *In Modern Bondage*, 155-66. See also ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 13, 2003]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

³⁸⁶ U.S. Department of State, *Country Reports 2002: Belize*, Section 6d.

³⁸⁷ U.S. Embassy- Belize, *unclassified telegram no. 773*.

³⁸⁸ Chief Executive Officer Ministry of Labor, Local Government, and Sugar Industry, letter to USDOL official, September 9, 2002. However, Belize does not have legal tools to specially address laws and regulations against the worst forms of child labor. See U.S. Embassy- Belize, *unclassified telegram no. 773*.

³⁸⁹ Immigration officials handled a majority of the suspected trafficking cases. See U.S. Department of State, *Country Reports 2002: Belize*, Sections 5 and 6d.

³⁹⁰ ILO, *Ratifications by Country*

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

The Government of Benin has been a member of ILO-IPEC since 1997.³⁹¹ The country 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.³⁹² In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Benin.³⁹³ In August 2003, the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons announced the approval of a two-year program that will strengthen the capacity the Government of Benin, particularly the Brigade for the Protection of Minors, to address child trafficking.³⁹⁴ Also in 2003, USDOL funded a USD 2 million education initiative to improve access to quality, basic education to children at risk of child trafficking in Benin.³⁹⁵

In January 2002, officials from Benin attended a meeting organized by the Government of Côte d'Ivoire, in collaboration with INTERPOL, to discuss child trafficking in West and Central Africa. Issues that were covered included the prevention of trafficking and rehabilitation of trafficking victims. In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledge to carry out coordinated information campaigns on child trafficking.³⁹⁶ Also in 2002, the Governments of Benin and Gabon signed an agreement on the repatriation and reintegration of trafficked children.³⁹⁷

In December 1999, the Ministry of Family, Social Protection, and Solidarity (MFSPS) created the Division of Family, Childhood, and Adolescents, which is working with UNICEF on a variety of programs to combat child trafficking.³⁹⁸ In 1999, the government carried out a nationwide campaign to raise awareness about the rights of vidomegon children and the responsibilities of parents and adults who engaged in the practice.³⁹⁹ Vidomegon is a traditional practice of placing poor children in wealthier households; in exchange the child will typically work for

³⁹¹ ILO-IPEC, *All about IPEC: Programme Countries*, [online] August 13, 2001 [cited July 1, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm

³⁹² The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

³⁹³ The strategy is intended to encourage governments in the region to develop and implement laws that allow for the prosecution of traffickers. 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 donors, funding of regional and international organizations, and direct funding for host government or local NGOs. See U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

³⁹⁴ The project, titled Project Protection – Reducing Child Trafficking in Benin, will be implemented and managed by UNICEF. The project's activities include educating the public about trafficking, child labor, and exploitation. Parents will be encouraged to keep their children at home and in school. U.S. Department of State, *unclassified telegram no. 228372*, August 6 2003. The Brigade for the Projection of Minors works with both child victims and children who have committed offenses; it was created in 1983. Frédéric Legba, Police Commissioner, Head of the Brigade for the Protection of Minors, meeting with USDOL Official, January 15, 2003.

³⁹⁵ International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.

³⁹⁶ 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>.

³⁹⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Benin*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18168pf.htm>.

³⁹⁸ UNICEF activities to combat trafficking have included organizing 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 for Labor Exploitation in West and Central Africa (Phase II) Country Annex I: Benin*, project document, RAF/01/P53/USA, Geneva, July 2001.

³⁹⁹ U.S. Department of State, *Country Reports- 2002: Benin*, Section 5.

the family. While the practice is ostensibly intended to benefit the child, the situation frequently degenerates to forced servitude. Vidomegon children may be subjected to poor working and living conditions, may be denied education, and are vulnerable to abuse and exploitation, including trafficking.⁴⁰⁰ The MFSPS and UNICEF collaborated to provide educational centers for vidomegon where the children can interact with each other and take part in various social and educational activities.⁴⁰¹ The MFSPS, along with several other organizations, has supported Projet Oasis, which provides protective and rehabilitative services to child victims of abuse, trafficking, and abandonment and seeks to place each child in a family.⁴⁰² Other MFSPS activities include the creation of local vigilance committees to help combat child trafficking; the provision of literacy training for child workers under the age of 14 years and apprenticeships for those over the age of 14 years; and campaigns to sensitize truck drivers and border authorities about the sexual exploitation and trafficking of children.⁴⁰³

The National Commission on Child Rights (NCCR) was created in 1999 and installed in 2000 as the result of Decree Nos. 99-559 and 2000-600.⁴⁰⁴ The NCCR has created departmental committees that report on problems affecting children, including child trafficking. A Plan d'Urgence was published by the NCCR in October 2002 in response to an incident in April 2001, when it was reported that a ship thought to be carrying trafficked children had departed from and returned to a port in Benin.⁴⁰⁵ 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. UNODC is providing technical assistance in areas such as research, law enforcement training, and regional networking.⁴⁰⁶ The Government of Benin has also worked with Care International and the Network of Journalists for the Prevention of Child Trafficking and Child Abuse to sensitize the public to child labor problems.⁴⁰⁷

⁴⁰⁰ The Protection Project, *A Human Rights Report on Trafficking of Persons, Especially Women and Children*, Washington, D.C., 2002, 63; available from <http://209.190.246.239/ver2/ct/Benin.pdf>. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 5. And, ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*, . In 1994, the Ministry of Labor and Social Affairs and UNICEF completed an investigation on runaway and abandoned children. The results of this study indicate that 65 percent of the households surveyed in Cotonou and Porto-Novo, in 1994, had "fostered" a child from a rural area through the *vidomegon* practice. The sample used for the study was composed of "155 households in Cotonou and Porto-Novo; 40 parents in rural areas in 12 subprefectures in Zou; and 441 children in Cotonou, Porto-Novo and Djougou." UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Benin*, CRC/C/3/Add.52, prepared by Government of Benin, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, paragraphs 216-19; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/32b03e4fdb25a21c802565150059a89c](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/32b03e4fdb25a21c802565150059a89c).

⁴⁰¹ Alassane Biga, Geneviève Ogooussan, and Sylvie Adanhodé, Ministry of Family Social Protection and Solidarity Officials, Meeting with USDOL official, January 13 2003. See also, Zachari Adam and Mary Chabi, UNICEF, Meeting with USDOL official, January 15, 2003. and UNICEF, *Les Espaces Educatifs Pour Vidomegons*.

⁴⁰² *Projet Oasis* assists non-handicapped children ages 13 years and under, and of both sexes. In its twelve years of operation, 8,818 children have received help. Children are referred to the program by the police and the Minors' Brigade. Terre des hommes, *Livret d'Identification 2002, Project Oasis Cotonou - Bénin. Accueil, Protection et Réinsertion des Enfants Victimes d'Exploitation au Travail et D'Autres Types de Mauvais Traitements*, 2002, 3, 4, 6.

⁴⁰³ Biga, Ogooussan, and Adanhodé, Meeting with USDOL Official, January 13, 2003.

⁴⁰⁴ Decree 99-559 created the Commission and Decree 2000-600 defined the organization and the functions of the Commission. *Portant création d'une commission nationale des droits de l'Enfant*, Decret No 99-559, (November 22, 1999). See also *Portant attributions, organisation et fonctionnement du Ministère de la Justice, de la Législation et des Droits de l'Homme*, Decret No 2000-600, (November 29, 2000).

⁴⁰⁵ Benin Ministry of Justice, *Commission Nationale des Droits de L'Enfant - Plan D'Urgence*, Cotonou, October, 2002. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴⁰⁶ UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited July 1 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

⁴⁰⁷ U.S. Embassy- Cotonou, *unclassified telegram no. 1079*, September 12 2003.

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.⁴⁰⁸

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 26.3 percent of children ages 10 to 14 in Benin were working.⁴⁰⁹ Benin is a source, destination and transit country for the cross border trafficking of children.⁴¹⁰ Children from Benin are trafficked into Ghana, Gabon, Nigeria, Cote d'Ivoire, and Cameroon;⁴¹¹ children from Burkina Faso, Niger, and Togo are sold into servitude in Benin.⁴¹² Trafficked children often work as agricultural workers, domestic servants, and commercial sex workers.⁴¹³ The results of a 1999 study on child labor carried out by the Government and the World Bank revealed that 49,000 children between the ages of 6 and 16 years from rural Benin were victims of child trafficking.⁴¹⁴

In Benin, children as young as 7 years old have been observed working on family farms, in small businesses, on construction sites in urban areas, in public markets, and in domestic servitude.⁴¹⁵ Families facing extreme poverty placed children in the care of "an agent" believing that the child would work as a farm hand or a domestic worker and that the wages from this labor would be sent back to the family.⁴¹⁶ In some cases the children were transported to neighboring countries to work.⁴¹⁷ There are also reports of children in Benin working in the sex industry as prostitutes, with children from poor families and street children being particularly vulnerable to commercial sexual exploitation.⁴¹⁸

Education in Benin is free for primary school children ages 6 to 11. However, additional mandatory expenses associated with schooling, including uniforms, transportation, and school stationery, tend to be prohibitive for poor families. Education is reportedly compulsory for all children in primary school, but there is no mechanism for enforcement.⁴¹⁹ Gender inequality in school enrollment in Benin is apparent. In the 2001-2002 school year, the gross primary enrollment rate in Benin was 94.3 percent (110.5 percent for boys and 78.1 percent for girls).⁴²⁰

⁴⁰⁸ In one of the project locations the number of children attending school 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*, [previously online] [cited July 3, 2003]; available from <http://www.unicef.org/programme/girlseducation/action/cases/benin.htm> [hard copy on file].

⁴⁰⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴¹⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*, Washington D.C., June 2003, 30; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. 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*.

⁴¹¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*, ILO-IPEC, *Combating the Trafficking of Children (Phase II) project document, Country Annex 1, Benin*.

⁴¹² U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f..

⁴¹³ ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*.

⁴¹⁴ U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴¹⁵ *Ibid.*, Section 6d.

⁴¹⁶ *Ibid.*, Section 6c.

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*, Section 6f. See also, UN Committee on the Rights of the Child, *Initial Reports of State Parties: Benin*, para. 223.

⁴¹⁹ U.S. Embassy Cotonou official, electronic communication to USDOL official, February 21, 2003. See also U.S. Embassy- Cotonou official, electronic communication to USDOL official, October 22, 2003. See also U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004.

⁴²⁰ U.S. Embassy- Cotonou official, electronic communication, October 22, 2003.

Attendance rates also reflect the gender disparity in access to education. In 2001, the gross primary school attendance rate was 81.0 percent (93.6 percent for boys and 67.4 percent for girls) while the net primary school attendance rate was 53.5 percent (59.9 percent for boys and 46.5 percent for girls).⁴²¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years⁴²² and prohibits forced labor.⁴²³ In addition, the Labor Code requires employers to maintain a register of all employees under the age of 18 years; the register must record the birth date of each of these employees.⁴²⁴ It is illegal to prostitute a minor in Benin.⁴²⁵ Children are protected from abduction and displacement under current legislation, but specific anti-trafficking legislation does not exist.⁴²⁶

Between 1995 and 1999, the Brigade for the Protection of Minors intercepted 2,458 children who were being trafficked.⁴²⁷ There are reports of the capture of traffickers but no reports of subsequent legal measures being taken to enforce legal penalties.⁴²⁸

The Government of Benin ratified ILO Convention 138 on June 11, 2001 and ratified ILO Convention 182 on November 6, 2001.⁴²⁹

⁴²¹ USAID, *Demographic and Health Surveys (USAID-DHS)*, [database online] [cited July 3, 2003]; available from <http://www.measuredhs.com>.

⁴²² See Article 166 of the Labor Code. *Code du Travail*, Loi no 98-004, (January 27, 1998); available from <http://natlex.ilo.org/txt/F98BEN01.htm>. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6d.

⁴²³ See Article 3, *Code du Travail*. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6d.

⁴²⁴ See Article 167, *Code du Travail*.

⁴²⁵ The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is two to five years in prison and a fine of 1,000,000 to 10,000,000 francs (USD 1,657.12 to USD 16,571). Criminal Code, Section IV - Indecent Behavior, Article 334b, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. The prostitution of female children can be prosecuted under 1905, and 1912, decrees that prohibit using deceit, coercion, or violence to entice a minor girl 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. Government of Benin, *Decrees of August 23, 1912 and February 7, 1905*, (1922); available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. Note currency conversion performed using FX Converter, [online] [cited August 27, 2003]; available from <http://www.carosta.de/frames/convert.htm>. The exchange rate applied is 1 USD = 603.46 XOF.

⁴²⁶ The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. *Crimes and offenses tending to hinder or destroy proof of the civil status of a child, or to endanger its existence; abduction of minors; violations of burial laws*, Criminal Code, Section VI; available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. In addition, decree No. 95-191 (1995) states that adults wishing to exit the country with a child under 18 years of age must register with the proper local authority and pay a fee held in escrow until the child has been returned to the village. ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*,.

⁴²⁷ Protection Project, "Benin," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2001; available from <http://209.190.246.239/protectionproject/HrrPDF/Benin.pdf>. La Brigade de Protection des Mineurs intercepted 117 children in 1994, 413 in 1995, 669 in 1996, 802 in 1997, 1059 in 1998, 678 in 1999. UNICEF, *Rapport National sur le Suivi de Sommet Mondial pour les Enfants: Annexe Statistique Benin*, December 2000; available from http://www.unicef.org/french/specialsession/how_country/.

⁴²⁸ U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴²⁹ ILO, *Ratifications by Country*, [database online] 2002 [cited July 2, 2003]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byCtry.cfm?ctychoice=1040>.

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

Since ratifying the Convention on the Rights of the Child in 1990, the Government of Bhutan has amended the Marriage Act (1996), and has enacted the Regulation of Wage Rate, Recruitment Agencies and Workmen's Compensation Act (1993) to safeguard the rights of children.⁴³⁰ The government is working with the UNDP to improve policies that address the needs of the country's poor and impoverished.⁴³¹ His Majesty the King Jigme Singye Wangchuck established the Youth Development Fund in 1998 to provide assistance for ongoing and new youth activities and programming.⁴³² The Government of Bhutan also coordinates with the WFP on a USDA - supported school-feeding program. The Bhutanese Department of Education finances the construction of kitchens and storerooms, provides cooking materials and stoves, pays the salaries of cooks, and distributes a meal stipend for children in secondary boarding schools.⁴³³ As a member state of the South Asian Association for Regional Cooperation, Bhutan signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.⁴³⁴

UNICEF is working 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.⁴³⁵ The World Bank is funding an education program implemented by the Ministry of Health and Education that 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 training of central staff and head-teachers.⁴³⁶ The ADB and the Government of Germany recently funded a skills training project aimed at unemployed youth, women and the poor, which is being carried out by the Government of Bhutan's National Technical Training Authority. The Government of Bhutan will contribute approximately USD 3 million to this project.⁴³⁷ Sixty percent of recurrent educational expenditures are invested into primary education.⁴³⁸

⁴³⁰ The Marriage Act of 1996 raised the minimum age for marriage for both males and females to 18. The Regulation of Wage Rate, Recruitment Agencies and Workmen's Compensation Act prohibits the employment of children. UNICEF, *Implementing the Convention*, UNICEF in Bhutan, [online] 2003 [cited June 16, 2003]; available from <http://www.unicef.org/bhutan/crc.htm>. See also UN Committee on the Rights of the Child, *Summary Record of the 715th Meeting: Bhutan*, United Nations, Geneva, June 2001, para. 41.

⁴³¹ UNDP, *Developing Bhutan's poverty monitoring system*, UNDP Bhutan, [online] October 2002 [cited June 16, 2003]; available from http://www.undp.org.bt/fact_sheets/povertyFS.PDF.

⁴³² Government of Bhutan, *The Youth Development Fund*, [online] 2003 [cited August 7, 2003]; available from <http://www.youthdevfund.gov.bt/>. See also UN Committee on the Rights of the Child, *Summary Record: Bhutan*, para. 8. See also Kuensel Newspaper, "Sports: promoting wholesale education," (Thimpu), January 13, 2001; available from <http://www.bootan.com/kuensel/20010113/sports.htm>.

⁴³³ U.S. Department of Agriculture, *The Global Food for Education Pilot Program*, Washington D.C., February 2003; available from <http://www.fsa.usda.gov/excredits/gfe/congress2003/africa.htm> [hard copy on file].

⁴³⁴ South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit held in Kathmandu*, press release, January 9, 2002.

⁴³⁵ UNICEF, *Second Chance at Literacy*, UNICEF in Bhutan, [online] [cited June 13, 2003]; 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 June 13, 2003]; available from <http://www.unicef.org/bhutan/disable.htm>.

⁴³⁶ World Bank, *Bhutan- Second Education Project*, [project appraisal document] June 4, 2003 [cited June 13, 2003]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000009265_3980312102450.

⁴³⁷ Asian Development Bank, *Reforming Skills Training in Bhutan To Boost Growing Private Sector*, [online] 2001 [cited June 16, 2003]; available from <http://www.adb.org/Documents/News/2001/nr2001064.asp>.

⁴³⁸ U.S. Department of Agriculture, *The Global Food for Education Pilot Program*.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 50.2 percent of children ages 10 to 14 years in Bhutan were working.⁴³⁹ 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.⁴⁴⁰

Education, including technical and vocational education, is free up to the tertiary level for all children aged 6 years or older in Bhutan.⁴⁴¹ 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.⁴⁴² The completion rate of 7 years of schooling in 2001 was 60 percent for girls and 59 percent for boys.⁴⁴³ In 1999, 90.42 percent of children enrolled in primary school reached grade five.⁴⁴⁴ 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.⁴⁴⁵ Most of the primary schools in southern areas of Bhutan that were closed in 1990 remain closed. 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.⁴⁴⁶

Child Labor Laws and Enforcement

Employment of children is prohibited by the Regulation for Wage Rate, Recruitment Agencies and Workmen's Compensation Act (1994);⁴⁴⁷ however, a minimum age has not been established.⁴⁴⁸ For all practical purposes, however, the age of 18 has been established as the age of majority in all matters of the state, including employment, by the Marriage Act of 1996.⁴⁴⁹ Forced or compulsory labor is prohibited by Bhutanese law, and there are no

⁴³⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁴⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Bhutan*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18310.htm>. See also UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Bhutan*, CRC/C/3/Add.60, prepared by Government of Bhutan, pursuant to Article 44 of the Convention on the Rights of the Child, October 1999, para. 32.

⁴⁴¹ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Bhutan*, para. 138. See also U.S. Department of State, *Country Reports- 2002: Bhutan*, Section 5.

⁴⁴² UNESCO, *Education For All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴⁴³ U.S. Department of State, *Country Reports- 2002: Bhutan*, Section 5.

⁴⁴⁴ World Bank, *World Development Indicators 2003*. This percentage may hide the fact that many children promoted to grade five may combine school and work. In addition, little is known in regard to Bhutanese standards for promoting children through primary school.

⁴⁴⁵ For a more detailed discussion on the relationship between school statistics and work, see the preface to this report.

⁴⁴⁶ Schools were closed by the government as a result of protests by Southern Bhutanese to the government's "One Nation, One People" citizenship policies. U.S. Department of State, *Country Reports- 2002: Bhutan*, Section 5. See also Bhutan Association of Human Rights Activists, *Government Repression of Southern Bhutanese*, [online] [cited December 17, 2003]; available from <http://www.hurights.or.jp/wcar/E/doc/other/Refugee/AHURA.htm>.

⁴⁴⁷ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Bhutan*, para. 32.

⁴⁴⁸ UN Committee on the Rights of the Child, *Summary Record: Bhutan*, para. 23.

⁴⁴⁹ *Ibid.*, para.41.

reports that such practices occur.⁴⁵⁰ Trafficking in persons is not specifically prohibited,⁴⁵¹ and there have been reports, but no specific information, that children were trafficked from Bhutan to Nepal, India, and Pakistan.⁴⁵²

The Government of Bhutan is not a member of the ILO and therefore has not ratified ILO Convention 138 or Convention 182.⁴⁵³

⁴⁵⁰ U.S. Department of State, *Country Reports- 2002: Bhutan*, Sections 6c.

⁴⁵¹ *Ibid.*, Section 6f.

⁴⁵² ECPAT International, *Bhutan*, [database online] 2003 [cited June 25, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁴⁵³ ILO, *Alphabetical list of ILO member countries*, Official Relations Branch, [online] 2003 [cited August 7, 2003]; available from <http://www.ilo.org/public/english/standards/relm/country.htm>. See also U.S. Department of State, *Country Reports- 2002: Bhutan*, Section 6d.

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

The Government of Bolivia has been a member of ILO-IPEC since 1996.⁴⁵⁴ 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 Interinstitutional Commission for the Eradication of Child Labor.⁴⁵⁵ 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.⁴⁵⁶ It also includes provisions to rehabilitate and reintegrate child victims of commercial sexual exploitation,⁴⁵⁷ although the government lacks funding for this and other project activities.⁴⁵⁸ The Commission has developed five sectoral sub-commissions to implement the priorities of the National Plan. The sub-commissions focus on child labor in the following areas: sugar cane harvesting; mining; raising awareness/communications; commercial sexual exploitation; and domestic work.⁴⁵⁹

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 activity.⁴⁶⁰ In 2003, the government issued a decree allowing children to resume classes in a new location at any point in the school year, which will enable children of families that migrate to continue with their education.⁴⁶¹ The government also obligated sugar cane industry leaders to sign contracts with workers that included a clause prohibiting child labor.⁴⁶² In addition, the government will make available free birth certificates to children who work the sugar cane harvest, facilitating their access to social services including health and education.⁴⁶³ The government has also provided training to the Defenders of Minors offices in Santa Cruz, which will increase the number of child labor inspections in that region.⁴⁶⁴ 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.⁴⁶⁵ From 2000 to 2001, ILO-IPEC also implemented a project to progressively eradicate child labor performed by street children in the city of El Alto.⁴⁶⁶

⁴⁵⁴ ILO-IPEC, *All about IPEC: Programme Countries*, [online] [cited September 23, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁴⁵⁵ 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, 51. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, Washington D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18321.htm>.

⁴⁵⁶ 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.

⁴⁵⁷ ECPAT International, *Bolivia*, in ECPAT International, [database online] 2002 [cited October 2, 2002]; available from <http://www.ecpat.net/>.

⁴⁵⁸ U.S. Department of State, *Country Reports on Human Rights*, Section 6d.

⁴⁵⁹ Iciar Bosch, "Se constituyen cinco subcomisiones: Una nueva dimensión en la Comisión Nacional de Erradicación Progresiva del Trabajo Infantil en Bolivia," *Boletín Encuentros* (May, 2003); available from http://www.oit.org/pe/ipecc/boletin/noticia_imprimir.php?notCodigo=297.

⁴⁶⁰ U.S. Embassy- La Paz, *unclassified telegram no. 3740*, October 11, 2002.

⁴⁶¹ Previously children could only enter class at the beginning of each February term. U.S. Embassy- La Paz, *unclassified telegram no. 1602*, May 05, 2003.

⁴⁶² Ibid.

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

⁴⁶⁵ 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.

⁴⁶⁶ ILO-IPEC, *Programas IPEC en Sudamerica*, 2003 [cited August 25, 2003]; available from <http://www.oit.org/pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/programas.php?parPais=bol>.

In September 2002, USDOL funded a USD 1.5 million project to improve the access to and quality of basic education for working children in the Potosí mines.⁴⁶⁷ In October 2001, IDB financed a program to strengthen technical and technological training for young school dropouts with a gender focused approach.⁴⁶⁸ In 2003, IDB approved a second phase of the education reform program.⁴⁶⁹ 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.⁴⁷⁰

From 1994–2003, the Government of Bolivia prioritized the access and quality of primary education in its Education Reform efforts.⁴⁷¹ Beginning in 2004, the government will launch the second phase of the Reform, which will focus on improving access and quality at the pre-school and secondary levels.⁴⁷² The WFP's strategies in its 2003–2007 country plan for Bolivia were integrated into Bolivia's poverty reduction strategy to provide food aid to schools and shelters for street children with the goal of stabilizing school attendance rates, decreasing drop out rates and increasing grade promotion, particularly among street children and girls.⁴⁷³ 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.⁴⁷⁴

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 26.4 percent of children ages 5 to 14 years in Bolivia were working.⁴⁷⁵ Children generally enter the labor market from 10 to 12 years of age, but there are reports of children working who are as

⁴⁶⁷ 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. See also U.S. Embassy La Paz, *unclassified telegram no. 3028*, August 20, 2003.

⁴⁶⁸ IDB, *Program to Strengthen Technical and Technological Training*, executive summary, (B)-0197, Washington, D.C., October 2001, [cited August 25, 2003]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

⁴⁶⁹ IDB, *Proyecto Aprobado*, [previously online] 2003 [cited July 02, 2003]; available from http://condc05.iadb.org/idbprojects/htl/spanish/AP-PROVED/AP_BO0178.HTM [hard copy on file]. The objective of the program is to consolidate efforts to reform the educational system in the eight grades of compulsory education since the inception of the Education Reform in 1994. The program will do this through: 1) Strengthening school management at the municipal and school levels; 2) Completing the process of curricular reform in grades 1–8; and 3) Raising the quality of initial teacher training. IDB, *Education Reform Program: Second Stage*, 1126/SF-BO, June 11, 2003, 11; available from <http://www.iadb.org/exr/doc98/apr/lcboli.htm> and <http://www.iadb.org/exr/doc98/apr/bo1126e.pdf>.

⁴⁷⁰ 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>.

⁴⁷¹ República de Bolivia, *Documento Preliminar "Para Abrir el Diálogo", Estrategia de la Educación Boliviana 2004 - 2015*, Ministerio de Educación, May, 2003.

⁴⁷² *Ibid.*, 4.

⁴⁷³ The target numbers for the program are 42,000 primary school students and 7,000 street children. The World Food Programme, *Country Programme - Bolivia (2003 - 2007)*, The United Nations, April 16, 2002; available from http://www.wfp.org/country_brief/index.asp?region=4.

⁴⁷⁴ Ministerio de Educación Cultura y Deportes and Viceministerio de Educación Alternativa, *Curriculum Para La Escuela Nocturna: Proyecto de Transformación Curricular para niños/as adolescentes y jóvenes trabajadores y de la calle de la Escuela Nocturna*, CARE Bolivia, La Paz, 2000.

⁴⁷⁵ Children were deemed working if they performed any paid or unpaid work for someone who is not a member of the household, performed more than four hours of housekeeping chores in the household, or performed other family work. Mario Gutiérrez Sardán for the Government of Bolivia, *Multiple Indicator Cluster Survey (MICS) Report: Bolivia*, UNICEF, La Paz, May 2001, 44, [cited August 25, 2003]; available from <http://www.childinfo.org/MICS2/newreports/bolivia/bolivia.pdf>. In 2001, it was reported that 10.75 percent of children ages 10 to 14 were in the labor force. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

young as 6 years old.⁴⁷⁶ The greatest proportion of working children is in rural areas, where they work in the construction, livestock, and agricultural sectors.⁴⁷⁷ A large number of children are found working in sugar cane harvesting and production in Santa Cruz.⁴⁷⁸ In urban areas, children shine shoes, sell goods, and assist transport operators.⁴⁷⁹ Children also work as small-scale miners,⁴⁸⁰ indentured domestic laborers and prostitutes.⁴⁸¹ Children are reportedly trafficked internally to work in mines, agriculture, and domestic servitude.⁴⁸² It is also reported that children and adolescents are trafficked to Argentina, Chile, and Brazil to work in agriculture, factories, trades, and as domestic servants.⁴⁸³ Women and adolescents from the indigenous areas of the high plains are at the greatest risk of being trafficked.⁴⁸⁴ It is also reported that children are forcibly recruited into the armed forces.⁴⁸⁵

The Constitution of Bolivia calls for the provision of education as a principal responsibility of the state, and establishes free and compulsory primary education for 8 years for children ages 6 to 14.⁴⁸⁶ In 2000, the gross primary enrollment rate was 115.9 percent and the net primary enrollment rate was 96.9 percent.⁴⁸⁷ More than 56 percent of Bolivian children and adolescents, however, do not attend or have abandoned school.⁴⁸⁸ Verbal punishment and corporal abuse exist in schools.⁴⁸⁹ Inadequate incentives for teachers make the teaching profession unattractive.⁴⁹⁰ Many children from rural areas lack identity documents and birth certificates necessary

⁴⁷⁶ ILO-IPEC, *Trabajo Infantil en los Países Andinos: Bolivia, Colombia, Ecuador, Perú y Venezuela*, Lima, 1998, 16.

⁴⁷⁷ “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 on Human Rights*, Section 6d.

⁴⁷⁸ Guillermo Dávalos, *Bolivia: Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, xi [cited September 23, 2003]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/bolivia/ra/cane.pdf>.

⁴⁷⁹ U.S. Department of State, *Country Reports on Human Rights*, Section 6d.

⁴⁸⁰ ILO-IPEC, *Phase I: Program to Prevent Child Labor in Gold Mining*, project document, 3.

⁴⁸¹ It is also reported that children work as drug transporters. U.S. Department of State, *Country Reports on Human Rights*, Sections 5, 6d.

⁴⁸² U.S. Department of State, *Trafficking in Persons Report- 2003: Bolivia*, June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

⁴⁸³ U.S. Department of State, *Country Reports on Human Rights*, Section 6f.

⁴⁸⁴ *Ibid.*

⁴⁸⁵ Although Article 1 of Decreto Ley No. 13.907 requires 1 year of compulsory service for Bolivians who are 18 years old, it is reported that 40 percent of the armed forces are under 18 and as young as 14. Coalition to Stop the Use of Child Soldiers, “Bolivia,” in *Global Report 2001: Bolivia*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/f30d86b5e33403a180256ae500381213/d3fd060bf388329f80256ae6002426d7?OpenDocument>.

⁴⁸⁶ 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 August 25, 2003] available from <http://www2.unesco.org/wef/countryreports/bolivia/contents.html>.

⁴⁸⁷ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴⁸⁸ 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 de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, proposal, Vice Ministry of Gender, Generational, and Family Affairs, Bureau of Generational and Family Affairs, La Paz, 2001, 12. The Child and Adolescent Code calls upon the government to take steps to reduce school 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 August 25, 2003]; available from <http://www.geocities.com/bolilaw/legisla.htm>.

⁴⁸⁹ Inter-Institutional Commission for the Eradication of Child Labor, *Plan de Erradicación*, U.S. Department of State, *Country Reports on Human Rights*, Section 5.

⁴⁹⁰ UN, “Millennium Development Goals: Progress in Bolivia,” (2002); available from <http://www.pnud.bo/MDG/ensligh/Metas-Ing.pdf>.

to receive social benefits and protection.⁴⁹¹ 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 2002.⁴⁹² The Office of the First Lady is currently spearheading this project.⁴⁹³

Child Labor Laws and Enforcement

The Child and Adolescent Code sets the minimum age for employment at 14 years.⁴⁹⁴ 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.⁴⁹⁵ Under the Code, employers are required to ensure that adolescent apprentices attend school during normal school hours.⁴⁹⁶

The Constitution prohibits any kind of labor without consent.⁴⁹⁷ Forcing an individual under 18 years into prostitution carries a maximum penalty of 20 years imprisonment,⁴⁹⁸ but enforcement is poor and police raids are ineffectual and easily avoided.⁴⁹⁹ All forms of pornography are illegal under Bolivian law.⁵⁰⁰ 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,⁵⁰¹ and also outlaws trafficking in persons for the purpose of prostitution.⁵⁰²

An interagency Committee on Minors was formed to combat the extraterritorial trafficking of adolescents for forced labor. However, a lack of resources allows trafficking of children to continue.⁵⁰³ The Government of Bolivia cooperates with other governments to investigate and prosecute trafficking cases.⁵⁰⁴ Corruption among government officials is a problem, and the government has made efforts to work with judicial officials.⁵⁰⁵

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.⁵⁰⁶

⁴⁹¹ U.S. Department of State, *Country Reports on Human Rights*, Section 5.

⁴⁹² *Decreto Supremo No. 26579*, (May 20, 2002), Article 1.

⁴⁹³ UNFPA is providing partial funding for the project. See U.S. Department of State official, electronic communication to USDOL official, February 7, 2003.

⁴⁹⁴ *Ley del Código del Niño*, Article 126.

⁴⁹⁵ 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>.

⁴⁹⁶ *Ley del Código del Niño*, Article 146.

⁴⁹⁷ 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>.

⁴⁹⁸ U.S. Embassy La Paz, *unclassified telegram no. 3028*.

⁴⁹⁹ U.S. Embassy- La Paz, *unclassified telegram no. 3434*, August 2000.

⁵⁰⁰ *Ibid.*

⁵⁰¹ 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>.

⁵⁰² The Law provides for sentencing for up to 12 years imprisonment if the victim is a minor under 14 years. *Ibid.*, 321 bis.

⁵⁰³ U.S. Department of State, *Country Reports on Human Rights*, Section 6f.

⁵⁰⁴ *Ibid.*

⁵⁰⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: Bolivia*.

⁵⁰⁶ "Correo del Sur: Protegan legalmente a los niños," *Los Tiempos* (La Paz), March 21, 2001; available from <http://www.lostiempos.com/pvyf4.shtml> [hard copy on file].

However, a set of fines and penalties has not been standardized for child labor violations.⁵⁰⁷ In 1996, the Vice-Ministry of Gender, Generational and Family Affairs created the Municipal Child and Adolescent Defense Offices, which offer free public services to promote, protect, and defend the rights of children and adolescents.⁵⁰⁸ As of June 2001, there were 150 such Defense Offices functioning in 135 municipalities.⁵⁰⁹

The Government of Bolivia ratified ILO Convention 138 on June 11, 1997, and ratified ILO Convention 182 on June 6, 2003.⁵¹⁰

⁵⁰⁷ U.S. Embassy- La Paz, *unclassified telegram no. 3740*.

⁵⁰⁸ 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.

⁵⁰⁹ *Ibid.*, 5, Area No. 6: Educación y Desarrollo durante la Niñez Temprana.

⁵¹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; 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

While the Government of Bosnia and Herzegovina⁵¹¹ does not have programs specifically targeting the elimination of the worst forms of child labor, it is participating in efforts to combat child trafficking. In December 2002, it signed a joint declaration with 12 other southeastern European nations to better assist victims of trafficking.⁵¹² The IOM and UNICEF, among others, have developed their own assistance and prevention programs within the country. The 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 commercial sex industry.⁵¹³ The IOM also trains government officials in counter trafficking methods, law enforcement, and the proper treatment of victims.⁵¹⁴ In its project on protection from extreme forms of violence, UNICEF is working with the various government bodies dealing with children's issues to assess how to better protect children at risk for being trafficked or who are trafficking victims.⁵¹⁵ In 2003, the government established a National Coordinator's Office to Combat Trafficking.⁵¹⁶ In addition, UNICEF continues to work with the Ministries of Education of Bosnia and Herzegovina's two entities 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 minority Roma children in the education system.⁵¹⁷

⁵¹¹ The 1995 Dayton Accords established two distinct entities within Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).

⁵¹² Alban Bala, *Southeastern Europe: Governments Shift Their Focus in Fighting Human Trafficking*, Radio Free Europe: Radio Liberty, [online] 2002 [cited December 13, 2002]; available from <http://www.rferl.org/nea/features/2002/12/13122002200939.asp>. The Government of Bosnia and Herzegovina is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

⁵¹³ The majority of assistance projects within Bosnia and Herzegovina are carried out by international organizations and NGOs, with the government authorities playing minor roles. In 2004, the government should assume responsibility for a project in Sarajevo to shelter and assist TIP victims. The IOM has assisted 590 trafficked women and children since August 1999. Approximately 11 percent were girls under the age of 18. See IOM, *Shelter and Return of Trafficked Girls and Women in BiH*, [online] 2003 [cited June 24, 2003]; available from <http://www.iom.ba/Programs/OnGoing/trafficking.htm>. See also Human Rights Watch, *HOPES BETRAYED: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Washington, D.C., November 2002, 4; available from <http://www.hrw.org/reports/2002/bosnia>.

⁵¹⁴ IOM, *Service Areas: Counter Trafficking*, [online] 2003 [cited July 8, 2003]; available from <http://www.iom.ba>.

⁵¹⁵ UNICEF, *Bosnia and Herzegovina: UNICEF in Action*, [previously online] 2003 [cited June 24, 2003]; available from <http://www.unicef.org/programme/highlights/cee/bosnia/support.htm> [hard copy on file].

⁵¹⁶ U.S. Embassy- Sarajevo, electronic communication to USDOL official, February 20, 2004.

⁵¹⁷ UNICEF, *Bosnia: UNICEF in Action*. See also United Nations Mission in Bosnia and Herzegovina, *UNICEF - United Nations Children's Fund*, [online] 2001 [cited September 10, 2003]; available from <http://www.unmibh.org/unfam/unicef.asp>.

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.⁵¹⁸ Children occasionally assist their families with farm work and various jobs, and Roma children beg on the streets in Sarajevo.⁵¹⁹ The prostitution and trafficking of girls remains a problem.⁵²⁰ Reports indicate that there are isolated cases of children 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.⁵²¹

Education is free and compulsory until age 15.⁵²² The right to education is guaranteed by the constitutions of the country's two political entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS), but each entity established compulsory education requirements in its own specific laws.⁵²³ In 1998, the gross primary enrollment rate was 103.6 percent, and the net primary enrollment rate was 97.4 percent.⁵²⁴ In 2000, the primary attendance rate was 94 percent.⁵²⁵ A lack of reliable official statistics on attendance and level of school completed, however, hinder efforts to ensure that all school age children receive an education.⁵²⁶ Access to education remains

⁵¹⁸ 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 June 24, 2003]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&iD_SURVEY=169. See also Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia and Herzegovina 2000: A Multiple Indicator Cluster Survey: B&H MICS 2000*, UNICEF, May 29 2002, 54; available from <http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf>.

⁵¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Bosnia and Herzegovina*, Washington, D.C., March 31 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18356.htm>.

⁵²⁰ According to the State Department, estimates of the number of trafficking victims are not considered reliable and vary considerably. Data collected by the United Nations Mission in Bosnia and Herzegovina and the IOM indicate that between 750 to 900 females were thought to be coerced or deceived into prostitution in 2002. Of these, between 10 to 15 percent were under the age of 18. According to LARA, a leading NGO in Bosnia and Herzegovina that combats trafficking, estimates range as high as 2,000 trafficked women and children. See *Ibid.*, Section 6f. See also Human Rights Watch, *Human Rights Watch Trafficking Report for BiH*, 11-12. See also Martina E. Vandenberg Human Rights Watch, *Testimony on Trafficking of Women and Girls to Bosnia and Herzegovina for Forced Prostitution*, House Committee on International Relations, Subcommittee on International Operations and Human Rights, Washington, D.C., April 24 2002, 1.

⁵²¹ The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and Ukraine. See IOM, *Shelter and Return of Trafficked Girls*. See also U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 6f. 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.

⁵²² U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 5. See also *Constitution of Republika Srpska*, Article 38; available from http://www.ohr.int/const/rs/default.asp?content_id=5908. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Section II(A), Article 2(1)(m); available from http://www.ohr.int/const/bih-fed/default.asp?content_id=5907. See also *Statute of the Brcko District of Bosnia and Herzegovina*, (2000), Article 16; available from <http://www.ohr.int/ohr-dept/legal/const/doc/brcko-statute.doc>.

⁵²³ 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. The GFAP Annex 4 Article III lists the responsibilities of the institutions of BiH and the entities. GFAP Annex 4 Article III 3(a) states that "all government functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entity." Consequently, the entities, not the state-level government, are responsible for such matters as education, health, and intra-entity law enforcement. In the FBiH, each of the 10 cantons also is responsible for health and education. 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); available from http://www.ohr.int/dpa/default.asp?content_id=372. See also UNICEF, *UNICEF Consolidated Donor Report for Southeastern Europe: Bosnia and Herzegovina: January-December 2000*, Area Office of the Balkans, March 2001; available from <http://www.unicef.org/balkans/donrep-seeur-2000.pdf> [hard copy on file].

⁵²⁴ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁵²⁵ Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia*, 25.

⁵²⁶ U.S. Embassy- Sarajevo, electronic communication.

limited in war-affected areas, where one-third to one-half of schools have been destroyed.⁵²⁷ The quality of education in rural areas has deteriorated, and in some areas more girls are quitting primary school than in the past.⁵²⁸ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority also prevent minority or refugee children from attending school in these regions.⁵²⁹ Efforts to address these issues, including implementation of the 2002 Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, have led to modest improvements in a number of cases.⁵³⁰

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.⁵³¹ Also, in both entities, children are prohibited from performing hazardous and overtime work.⁵³² 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.⁵³³ In FBiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 convertible marks (USD 1,273 to 8,917).⁵³⁴ In the RS, fines range from 1,000 to 10,000 convertible marks (USD 637 to 6,396) for hiring children under the age of 15 and requiring overtime work or hazardous work of a minor.⁵³⁵ The fines are raised to 2,000 to 15,000 convertible marks (USD 1,273 to 9,554) for employers who allow underage workers to work at night.⁵³⁶

On March 1, 2003, the Criminal Code of Bosnia and Herzegovina came into effect, criminalizing human trafficking. Anyone taking part in the recruitment, transfer, or receipt of persons through the use of threat, force, coercion, abduction, fraud, or deception shall be punished with imprisonment from 1 to 10 years. If the victim is a child under the age of 18, the perpetrator is to be imprisoned to a term of not less than 5 years.⁵³⁷ Under the Criminal Codes of the two entities and the Brcko District, procuring a juvenile or seeking opportunity for illicit

⁵²⁷ UNICEF, *UNICEF Consolidated Donor Report*, 59.

⁵²⁸ U.S. Embassy- Sarajevo, electronic communication.

⁵²⁹ U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 5.

⁵³⁰ While students and faculty of different ethnic groups began to share the same school facilities, their classes were on different floors or they attended in shifts. Students of different ethnic groups did not interact with each other. See *Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children*, (March 5, 2002); available from <http://www.unhcr.ba/protection/refugees&dp/agreem~1.PDF>. See also U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 5.

⁵³¹ *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.

⁵³² *The Labour Law (FBiH)*, Articles 15, 32, and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

⁵³³ 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.

⁵³⁴ See *The Labour Law (FBiH)*, Article 140 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 49. As of December 31, 2003, 1 USD = 1.57 convertible marks (KM). See Central Bank of Bosnia and Herzegovina, *Currency Exchange*, [online] [cited December 31, 2003]; available from <http://www.cbbh.gov.ba/en/list.shtml>.

⁵³⁵ *The Labor Law (RS)*, Article 150.

⁵³⁶ *Ibid.*

⁵³⁷ *The Criminal Code of Bosnia and Herzegovina*, (March 1, 2003), Article 186; available from <http://www.ohr.int/decisions/judicialrdec/doc/HiRep-dec-101-law-crim-code-bih.doc>.

sexual relations with a juvenile is specifically prohibited.⁵³⁸ On October 14, 2003, the Law on Movement and Stay of Foreigners and Asylum entered into force. The law's implementing regulations address the provision of services to trafficking victims.⁵³⁹ There have been allegations of both local law enforcement and international police facilitation of the trafficking of women.⁵⁴⁰

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, 2001.⁵⁴¹

⁵³⁸ 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; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130. See also *Criminal Code of the Republika Srpska*, (July 31, 2000), Articles 185 and 88; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. See also *Criminal Code of the Brcko District of Bosnia and Herzegovina*, (June 2000), Articles 209 and 12; available from <http://www.ohr.int/ohr-dept/legal/crim-codes/doc/bd-criminal-code.doc>. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 11 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 6f.

⁵³⁹ U.S. Embassy- Sarajevo, electronic communication.

⁵⁴⁰ In 2002, 26 local police officers were decertified by the United Nations Mission in Bosnia and Herzegovina as a result of investigations related to trafficking, and another 25 police officers are under investigation by the Interior Ministry. In addition, 10 members of the Stabilization Force were detained in a raid on a Sarajevo bar. See U.S. Department of State, *Country Reports- 2002: Bosnia and Herzegovina*, Section 6f.

⁵⁴¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 9, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>

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 7 major global goals identified at the 1990 UN Summit for children.⁵⁴² The government is working with NGO's, community-based organizations, and the private sector on a National Orphan Programme tasked with policy development, capacity building, and coordinating inter-institutional activities, as well as developing a comprehensive National Orphan Policy based on the Convention on the Rights of the Child.⁵⁴³ In September 2003, USDOL funded a USD 5 million regional project in Southern Africa, which includes Botswana, aimed at combating child labor.⁵⁴⁴

In 2000, the Government of Botswana signed a USD 4.5 million funding agreement with UNICEF to improve the situation of children in the country. The money is being used to serve children who are pregnant and children in remote areas by providing more learning facilities.⁵⁴⁵ 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 environment at boarding schools where boys and girls enrollment is low.⁵⁴⁶

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 13.95 percent of children ages 10 to 14 years in Botswana were working.⁵⁴⁷ In urban areas, increasing numbers of street children, many of them HIV/AIDS orphans, allegedly engage in begging and prostitution.⁵⁴⁸ Child prostitution is also reported to occur on the border road between South Africa and Botswana and in tourist areas.⁵⁴⁹ In remote areas, young children reportedly work as cattle tenders, domestic servants and babysitters.⁵⁵⁰

Primary education is free for seven years, but it is not compulsory.⁵⁵¹ In 2000, the gross primary enrollment rate was 108.3 percent, and the net primary enrollment rate was 84.3 percent. Total net and gross enrollment rates for girls and boys are relatively equal. In 1999, 86.8 percent of children enrolled in primary school reached grade 5.⁵⁵² 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.⁵⁵³

⁵⁴² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Botswana*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8265.htm>.

⁵⁴³ UNICEF, *Children Orphaned by AIDS: Front Line responses from eastern and southern Africa*, New York, 1999, 8, 9; available from <http://www.unaids.org/publications/documents/children/young/orphrepteng.pdf>.

⁵⁴⁴ ILO-IPEC, *Supporting the Time-Bound Programme to eliminate the Worst Forms of Child Labour in South Africa's Child Labour Action Programme and laying the basis for concerted action against Worst Forms of Child Labour in Botswana, Lesotho, Namibia and Swaziland*, project document, Geneva, September, 2003.

⁵⁴⁵ Panafrikan News Agency, "UNICEF Signs Child Protection Agreement With Botswana", [online], November 3, 2000 [cited June 13, 2003]; available from <http://allafrica.com/stories/200011030023.html> [hard copy on file]. For currency conversion see FX Converter, *Currency Converter*, [online] [cited September 30, 2003]; available from <http://www.oanda.com/classic>.

⁵⁴⁶ UNICEF, *Girls' Education in Botswana*, [online] [cited June 13, 2003]; available from <http://216.239.37.104/search?q=cache:ap1N3NnpGfEJ:www.unicef.org/girlseducation/Botswanafinal.PDF+Girls+education+in+Botswana&hl=en&ie=UTF-8>.

⁵⁴⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁵⁴⁸ U.S. Department of State, *Country Reports- 2002: Botswana*, Section 5.

⁵⁴⁹ ECPAT International, *Botswana*, [online] 2003 [cited June 12, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁵⁵⁰ U.S. Department of State, *Country Reports- 2002: Botswana*, Section 6d.

⁵⁵¹ Ibid., Section 5. See also U.S. Embassy- Gaborone, *unclassified telegram no. 3277*, September 2001.

⁵⁵² In 1998, the net primary enrollment rate for boys was 82.5 percent and 86 percent for girls. The gross primary enrollment rate for boys was 108 percent for both boys and girls. World Bank, *World Development Indicators 2003*.

⁵⁵³ 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 basic employment for children is 14 years, and 18 years for hazardous work.⁵⁵⁴ However, family members may employ children under the age of 14 in family businesses.⁵⁵⁵ The law protects adopted children from being exploited as cheap labor or coerced into prostitution.⁵⁵⁶ The government does not prohibit forced or compulsory labor of children, although there are no reports that such practices occur.⁵⁵⁷ Child prostitution and pornography are criminal offenses and punishable by a 10-year minimum sentence for “defilement” of persons under 16.⁵⁵⁸

The Child Welfare and Juvenile Services Division at the Ministry of Local Government is the government agency that oversees the protection and welfare of children.⁵⁵⁹ The Employment Act authorizes the Commissioner of Labor to investigate cases of child labor and to terminate unlawful employment of a child.⁵⁶⁰ Child labor laws are enforced by the child welfare divisions of the district and municipal councils.⁵⁶¹ The highest penalty for unlawful child employment is imprisonment up to 12 months, a fine of 1500 Pula (USD 322), or a combination of both.⁵⁶²

The Government of Botswana ratified ILO Convention 138 on June 5, 1997, and ILO Convention 182 on January 3, 2000.⁵⁶³

⁵⁵⁴ U.S. Embassy– Gaborone, *unclassified telegram no. 3277*.

⁵⁵⁵ U.S. Department of State, *Country Reports- 2002: Botswana*, Section 6d.

⁵⁵⁶ *Ibid.*

⁵⁵⁷ *Ibid.*, Section 6c.

⁵⁵⁸ *Ibid.*, Section 5. See also Interpol, *Legislation of Interpol member states on sexual offences against children: Botswana*, [database online] 2003 [cited June 13, 2003]; available from <http://www.interpol.com/Public/Children/SexualAbuse/NationalLaws/csaBotswana.asp>.

⁵⁵⁹ Government of Botswana, *Ministry of Local Government*, [online] 2003 [cited June 12, 2003]; available from http://www.gov.bw/government/ministry_of_local_government.html.

⁵⁶⁰ U.S. Embassy– Gaborone, *unclassified telegram no. 3277*.

⁵⁶¹ U.S. Department of State, *Country Reports- 2002: Botswana*, Section 6d.

⁵⁶² U.S. Embassy– Gaborone, *unclassified telegram no. 3277*. For currency conversion see FX Converter, *Currency Converter*.

⁵⁶³ ILO, *Ratifications by Country: Botswana*, ILOLEX, [online] 2003 [cited June 13, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Brazil has been a member of ILO-IPEC since 1992.⁵⁶⁴ In 2003, USDOL funded an ILO-IPEC program to support the government's Timebound Program to eliminate the worst forms of child labor within a specified time period.⁵⁶⁵ Also in 2003, USDOL funded a program to improve access to and quality of basic education in areas with a high incidence of child labor.⁵⁶⁶ In past years, USDOL funded projects in Brazil through ILO-IPEC including a regional program to combat the problem of hazardous child domestic work; a program that addresses the commercial sexual exploitation of minors in two border cities between Brazil and Paraguay;⁵⁶⁷ and a child labor survey. The survey report was published in April 2003.⁵⁶⁸ In addition, the Government of Brazil, along with ILO-IPEC, the other MERCOSUR governments and the Government of Chile, has developed a 2002–2004 regional plan to combat child labor.⁵⁶⁹

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.⁵⁷⁰ These programs to eradicate child labor are listed in the Government of Brazil's multi-year plan.⁵⁷¹ The 2004 – 2007 multi-year plan, which is currently being formulated through a process of popular consensus, will include funds for programs to combat child labor.⁵⁷²

⁵⁶⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited August 28, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁶⁵ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor*, Project document, 03-K110-RWBR-4143-SF601-000, September 30, 2003.

⁵⁶⁶ U.S. Department of Labor, *Cooperative Agreement*, E-9-K-3-0060, Washington, DC, August 20, 2003.

⁵⁶⁷ The program for children involved in domestic work is also being implemented in Colombia, Paraguay, and Peru. 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. The Government of Argentina is also participating in the project with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguaçu)*, technical progress report, Geneva, August 23, 2002, 3, 40.

⁵⁶⁸ The survey was collaboration between the Brazilian Institute of Geography and Statistics and the ILO's SIMPOC. Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Trabalho Infantil 2001*, Instituto Brasileiro de Geografia e Estatística - IBGE, Rio de Janeiro, 2003. See also U.S. Department of Labor, *International Child Labor Technical Assistance- Statistical Information and Monitoring Program on Child Labor (SIMPOC)*, internal document, Washington, D.C., August 2002. See also ILO-IPEC official, electronic communication with USDOL official, August 28, 2002. See also The Brazilian Institute of Geography and Statistics, *Em 2001, o Brasil tinha 2,2 milhões de crianças de 5 a 14 anos de idade trabalhando*, Instituto Brasileiro de Geografia y Estadísticas, [online] [cited July 1, 2003]; available from <http://www.ibge.gov.br/>.

⁵⁶⁹ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2, Numero 6 (August 2002), [cited August 29, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeccacciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, "Plan Subregional para la Erradicación del Trabajo Infantil en los países del MERCOSUR y Chile," Lima, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

⁵⁷⁰ Among these is the Executive Group to Combat Forced Labor 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, *Quadro de Representações*, [previously online] November 14, 2001 [cited September 13, 2002]; available from <http://www.pgt.mpt.gov.br/comissoes.html> [hard copy on file].

⁵⁷¹ Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online, 1 [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Conteudo/Publicacoes.asp?Acao=Imprimir&>.

⁵⁷² Ministry of Labor and Employment, *Notícias*, Ministério do Trabalho e Emprego, [online] 2002 [cited June 12, 2003]; available from <http://www.mte.gov.br/Noticias/Conteudo/1534.asp?Acao=Imprimir&>. See also Ministry of Labor and Employment, *Notícias*, [online] [cited June 30, 2003]; available from <http://www.mte.gov.br/Noticias/Conteudo/1546.asp?Acao=Imprimir&>.

In September 2002, the Ministry of Labor and Employment (MTE) created the National Commission to Eradicate Child Labor (CONAETI), whose main goal is to implement ILO Conventions 138 and 182. The CONAETI will also work to increase coordination among federal efforts to address child labor and elaborate a National Plan for the Eradication of Child Labor.⁵⁷³ In May 2000, the MTE established the Tripartite Commission,⁵⁷⁴ which produced a list of 81 activities in September 2001 defined as “worst forms” of child labor.⁵⁷⁵ The CONAETI will reevaluate this list in 2003.⁵⁷⁶

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.⁵⁷⁷ In 2003, the GECTIPAs will be responsible for raising awareness and working with the private sector to set up a framework for a youth apprenticeship program. In addition, these groups will produce a child labor mapping system, which will be available in November.⁵⁷⁸ In some regions, councils defend the rights of children and adolescents at the federal, state, and municipal levels.⁵⁷⁹

In 2003, the President of Brazil issued an Executive Order for a government-wide initiative to combat the sexual exploitation of minors.⁵⁸⁰ The Federal Ministry of Social Assistance (MAS) oversees a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.⁵⁸¹ Government service providers are receiving training from USAID on the special needs of child and youth victims of

⁵⁷³ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*, October 23, 2002. See also Ministry of Labor and Employment, *Notícias*.

⁵⁷⁴ 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.

⁵⁷⁵ 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. Ministry of Labor and Employment, *Manual de Orientação do PETI: Quadro Descritivo dos Locais e Serviços Considerados Perigosos ou Insalubres para Menores de 18 (dezoito) Anos.*, Ministério do Trabalho e Emprego, [cited August 29, 2003], 39-44; available from <http://www.mte.gov.br/Temas/FiscaTrab/CombateTrabalhoInfantil/PETI/Conteudo/543.pdf>. See also Ministry of Labor and Employment, *Portaria No. 20, de 13 de Setembro de 2001*, Secretaria de Inspeção do Trabalho, 2001 [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Downloads/Portaria20.pdf>.

⁵⁷⁶ Ministry of Labor and Employment, *Notícias*.

⁵⁷⁷ Within the Ministry, the Secretariat of Labor Inspection uses the data from the GECTIPA reports to update a 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.

⁵⁷⁸ Ministry of Labor and Employment, *Notícias*.

⁵⁷⁹ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*, September 18, 2000.

⁵⁸⁰ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report: Brazil (Tier 2)*, U.S. Department of State, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

⁵⁸¹ 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 U.S. Consulate - Sao Paulo official, 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*. See also The Secretariat of Social Assistance, *Combate ao Abuso e à Exploração Sexual e Comercial de Crianças e Adolescentes*, [online] [cited June 30, 2003]; available from http://www.assistenciasocial.gov.br/iframe/acoes_seas/Combate_abuso_expl_sexual/combate_abuso_expl_sexual.htm. The Ministry of Welfare and Social Assistance (MPAS) became the Ministry of Social Assistance (MAPS) in January 2003 with the new Lula Administration. Brazilian Embassy in Washington, *Senior Brazilian Government Officials*, [online] 2003 [cited July 1, 2003]; available from http://www.brasilemb.org/novo_governo.shtml. The MAPS was modified to become the Ministry of Social Assistance on May 28, 2003. Ministério da Assistência Social, *Sobre o MAS*, [online] 2003 [cited November 5, 2003]; available from <http://www.assistenciasocial.gov.br/optimalview/optimalview.urd/portal.show>.

trafficking.⁵⁸² At the end of 2002, the Ministry of Justice, in cooperation with the UN Drug Control Program, announced a program to combat trafficking in persons for sexual exploitation, funded in part by the government of Portugal.⁵⁸³ 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.⁵⁸⁴ The Ministry of Tourism implemented an international campaign to raise awareness on sex tourism, and the National Human Rights Secretariat mounted a national awareness raising campaign against the sexual exploitation of children.⁵⁸⁵ Also during the year, federal and state police monitored the internet for sex traffickers.⁵⁸⁶ A Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the city of Fortaleza.⁵⁸⁷

The MAS Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.⁵⁸⁸ In addition, PETI offers target children an after school program which includes school reinforcement, sports and art-related activities.⁵⁸⁹ In October 2003, PETI had provided services to approximately 810,000 children.⁵⁹⁰ In cooperation with the MTE, MAS 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.⁵⁹¹ 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.⁵⁹² Bolsa Escola, now providing stipends to mothers for nearly nine million children throughout Brazil, is the largest program of its kind in the world.⁵⁹³ The government has also designed special classes to address the problem of

⁵⁸² U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003.

⁵⁸³ The program has suffered from a lack of funding and interagency cooperation. U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, U.S. Department of State, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18322.htm>. See also United Nations Office on Drug and Crime, *Latin America: Brazil*, [cited July 3, 2003]; available from http://www.unodc.org/unodc/trafficking_projects.html.

⁵⁸⁴ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 868*, September 6, 2002.

⁵⁸⁵ U.S. Department of State, *Trafficking in Persons Report*. USAID has a Memorandum of Understanding with the Ministry of Social Assistance and the National Secretariat of Human Rights to collaborate to improve social and psychological services for trafficking victims, assist the Government of Brazil to strengthen national laws on domestic trafficking, and support a national trafficking in persons awareness campaign. See Statement by Kent R. Hill.

⁵⁸⁶ U.S. Department of State, *Country Reports 2002*, Section 6f.

⁵⁸⁷ Viviane Lima, *O Povo, CE*, September 20, 2001, 18, as cited in CPI do Turismo Sexual em Fortaleza já tem denúncias, "Agência de Notícias dos Direitos da Infância".

⁵⁸⁸ 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. Consulate - Sao Paulo, *unclassified telegram no. 1439*. 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*.

⁵⁸⁹ Ministry of Welfare and Social Assistance, *Programa de Erradicação do Trabalho Infantil - PETI: Manual de Orientações*, Brazil, May 2002, 1st Edition, 9-10.

⁵⁹⁰ The Ministry of Social Assistance expects to provide services to 1,113,000 children and adolescents in 2003 through the PETI program. Ministério da Assistência Social, *Programa de Erradicação do Trabalho Infantil - PETI*, [online] 2003 [cited November 4, 2003]; available from <http://www.assistenciasocial.gov.br/optimalview/optimalview.urd/portal.show>.

⁵⁹¹ Ministry of Labor and Employment, *Programas em Parcerias: Agente Jovem*, online, [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Programas/Conteudo/agente.asp>. See also Secretariat of Social Assistance, *Agente Jovem de Desenvolvimento Social e Humano*, [online] [cited June 30, 2003]; available from http://www.assistenciasocial.gov.br/iframe/acoes_seas/Agente_Jovem/agente_desenv_social_humano.htm.

⁵⁹² U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁵⁹³ Ibid. U.S. Department of State, *Country Reports 2002*. Municipal governments are responsible for the day-to-day management of the program.

students who are forced to repeat grades,⁵⁹⁴ created a school lunch program which seeks to promote children's attendance,⁵⁹⁵ and raised the average wage paid to teachers by 12.9 percent nationally and up to 49.2 percent in the Northeast region.⁵⁹⁶ These programs are partly supported through the Fund to Combat Poverty.⁵⁹⁷

The World Bank provides loans to the government of Brazil for projects that aim to improve primary education mainly in the poorer region of the Northeast.⁵⁹⁸ In June 2003, the Bank approved a USD 60 million loan to the state of Bahia for a second phase of a program to improve access, quality and management of primary and secondary schools in the region.⁵⁹⁹ The IDB is assisting the MEC with three projects that address shortcomings in secondary and higher education.⁶⁰⁰ 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.⁶⁰¹

Incidence and Nature of Child Labor

In 2001, based on statistics from the Brazilian Institute of Geography and Statistics, it is estimated that 12.7 percent of children ages 5 to 17 years in Brazil were working.⁶⁰² Of all males between the ages of 5 and 17 years, 16.4 percent were working; of all females between the ages of 5 and 17, 9 percent were working.⁶⁰³ Child labor occurs

⁵⁹⁴ Ministry of Education/Secretary of Basic Education, *Ensino Fundamental, Programa de Aceleração da Aprendizagem*, [online] [cited August 29, 2003]; available from <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

⁵⁹⁵ Fundo Nacional de Desenvolvimento da Educação, *Merenda Escolar*, [online] 2003 [cited October 9, 2003]; available from <http://www.fnede.gov.br/programas/pnae/index.html>.

⁵⁹⁶ 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 October 9, 2003]; available from http://www2.unesco.org/wef/countryreports/brazil/rapport_2_4_4.htm.

⁵⁹⁷ *Emenda Constitucional N.31, de 14 de Dezembro de 2000*, No. 31, (December), article 79; available from <http://www.pge.sp.gov.br>.

⁵⁹⁸ These projects include the Projeto Nordeste and FUNDESCOLA. 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.

⁵⁹⁹ The World Bank, *World Bank Supports Education In Northeast Brazil With US\$60 Million*, [online] [cited June 27, 2003]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117797~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html>. See also The World Bank, *Northeast Basic Education Project (03)*, August 29, 2003 [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P006452>. See also The World Bank, *Third School Improvement Project - Fundescola (03)*, [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P057653>.

⁶⁰⁰ These projects address impoverished regions and disadvantaged groups. Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1406e.pdf>. See also Inter-American Development Bank, *Improvement and Expansion Program for Secondary Education*, BR-0300, November 1999, [cited August 29, 2003]; 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 August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1378e.pdf>.

⁶⁰¹ Inter-American Development Bank, *IDB Disburses \$250 Million to Support Investment in Human Capital in Brazil*, [press release] August 2, 2002 [cited August 29, 2003]; available from <http://www.iadb.org/exr/PRENSA/2002/cp16202e.htm>. 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. See also Projeto Alvorada, *Descrição do Projeto*, [online] [cited August 29, 2003]; available from http://alvorada.planejamento.gov.br/frame_descricao.asp?Opcao=Descricao.

⁶⁰² Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 48.

⁶⁰³ The total number of working children between the ages of 5 and 17 is 5,482,515. The total number of working girls in this age group is 1,912,299 and the total number of boys is 3,570,216. Ibid.

more frequently in northeastern Brazil than in any other region and is particularly common in rural areas.⁶⁰⁴ The number of working boys is nearly double that of working girls.⁶⁰⁵ Children work on commercial citrus, sugar cane, and sisal⁶⁰⁶ farms; in traditional sectors of the Brazilian economy, including the footwear, mining and charcoal industries;⁶⁰⁷ and as domestic servants⁶⁰⁸ and scavengers in garbage dumps.⁶⁰⁹ Children are involved in prostitution,⁶¹⁰ pornography,⁶¹¹ and the trafficking of drugs,⁶¹² and are victims of internal trafficking networks that transport them to mining and construction sites and tourist areas for the purposes of prostitution.⁶¹³ A 2002 report revealed that adolescent girls are being trafficked internationally with falsified documents for the purposes of prostitution.⁶¹⁴ Children are also reported to serve as “soldiers” in drug gangs that control most of Rio de Janeiro’s shantytowns.⁶¹⁵ Many working children are found in the informal sector, and nearly half receive no income.⁶¹⁶

Basic education (grades 1 through 8) is free and compulsory for children between the ages of 7 and 14.⁶¹⁷ In 2000, the gross primary enrollment rate was 162.3 percent, and the net primary enrollment rate was 97.0 percent.⁶¹⁸ Child labor contributes to the “age-to-grade” distortion of children in school, a widespread characteristic of the Brazilian education system. This distortion refers to the large number of children in the country who are enrolling and/or attending school at a grade level below that which is considered appropriate for their age group.⁶¹⁹ In 2001, 80.3 percent of working children between the ages of 5 and 17 were attending school.⁶²⁰

⁶⁰⁴ Ministry of Labor and Employment, *Quantitativo dos Ocupados na Semana de Referência, 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. For a breakdown by region, see also Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 74.

⁶⁰⁵ In 2001, 3,570,216 boys aged 5 to 17 years were working and 1,912,299 girls of the same age group were working. ILO-IPEC Official, *Sumário - PNAD/SIMPOC 2001: Pontos Importantes*, Attachment USDOL Official, April 16, 2003.

⁶⁰⁶ A plant that yields a stiff fiber used for cordage and rope.

⁶⁰⁷ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶⁰⁸ Presidência da República, *Pesquisa revela perfil do trabalho infantil doméstico*, Agência Brasil, [online] 2002 [cited December 5, 2003]; available from <http://www.radiobras.gov.br/abrn/brasilagora/materia.phtml?materia=6980>. 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*.

⁶⁰⁹ “Brazil: Children Put to Work in Dump, Official Says,” *South Florida Sun-Sentinel*, July 14, 2002.

⁶¹⁰ U.S. Department of State, *Country Reports 2002*, Section 6d. See also Protection Project, “Brazil,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002; available from <http://209.190.246.239/ver2/cr/Brazil.pdf>.

⁶¹¹ Xisto Tiago de Medeiros Neto, *A crueldade do Trabalho infantil*, (Diário de Natal, Opinião), [previously online] October 21, 2000 [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/noticias/noticia17.html> [hard copy on file]. See also UNICEF, *Pornografia Infantil é Crime Denuncie!*

⁶¹² Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002.

⁶¹³ Protection Project, “Brazil,” 79.

⁶¹⁴ 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.

⁶¹⁵ *Report Spotlights Children in Rio’s Drug War*, CNN Online, [previously online] September 10, 2002; available from <http://www.cnn.com/2002/WORLD/americas/09/10/brazil.child.soldiers.ap/index.html> [hard copy on file].

⁶¹⁶ U.S. Department of State, *Country Reports 2002*, Section 6d. See also Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 88.

⁶¹⁷ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

⁶¹⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁶¹⁹ For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁶²⁰ Calculated from the Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 76.

Child Labor Laws and Enforcement

After a 1998 Constitutional amendment, the minimum age for general employment was raised from 14 to 16 years and the minimum age for apprenticeships from 12 to 14 years.⁶²¹ The 1990 Statute on Children and Adolescents 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.⁶²² 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.⁶²³ However, the Code does not address the issue of internal sex trafficking.⁶²⁴ Brazil's Federal Criminal Statute provides for prison terms and fines to anyone caught prostituting or trafficking another individual (internationally), or running a prostitution establishment with increased penalties for adolescents between the ages of 14 and 18 years.⁶²⁵ Located throughout the country, offices of the Centers for the Defense of Children and Adolescents are responsible for reporting violations of children's rights.⁶²⁶

The Ministry of Labor and Employment (MTE) is responsible for training inspectors to determine child labor work site violations.⁶²⁷ In the first 8 months of 2002, an estimated 3,250 inspectors conducted more than 19,500 inspections involving cases in which workers were under the age of 18.⁶²⁸ Employers that violate Brazil's child labor laws are subject to monetary fines, but the initial levying of fines usually occurs only after several violations.⁶²⁹ In 2002, labor inspectors from the MTE worked with prosecutors from the Federal Labor Prosecutor's Office (MPT),⁶³⁰ who can impose larger fines than labor inspectors.⁶³¹ The MPT's National Commission to fight Child Labor focuses its strategy in specific sectors, including trash picking, commercial sexual exploitation, apprenticeships, and family-based work.⁶³²

The Government of Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.⁶³³

⁶²¹ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*. See also Public Labor Ministry, *O Ministério Público do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente*, [previously online] [cited March 27, 2002]; available from <http://www.pgt.mpt.gov.br/trabinfantil/index.html> [hard copy on file].

⁶²² Public Labor Ministry, *Erradicação do Trabalho Infantil*.

⁶²³ 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*, [previously online] [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html> [hard copy on file].

⁶²⁴ PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres*, 118.

⁶²⁵ Such offenses are punishable by prison terms of 1 to 10 years. See *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf>.

⁶²⁶ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶²⁷ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

⁶²⁸ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁶²⁹ *Ibid.*

⁶³⁰ The Federal Labor Prosecutor's Office is an independent government agency responsible for the prosecuting of labor infractions.

⁶³¹ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶³² *Ibid.*

⁶³³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Bulgaria is an associated member of ILO-IPEC.⁶³⁴ 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.⁶³⁵ The government has also produced a Strategy and Action Plan on Protecting the Rights of Children in Bulgaria that focuses on promoting the welfare of children.⁶³⁶ In March 2003, the Ministry of Labor and Social Policy's Chief Labor Inspectorate and the State Agency for Child Protection signed an agreement to cooperate to provide greater protections for working children.⁶³⁷ The Ministry of Education is working with the teachers' union to educate children about their human and labor rights.⁶³⁸ Under an ILO-IPEC preparatory project, a sample survey on child labor in Bulgaria was completed in 2001.⁶³⁹

The government has also established task forces to address the issue of trafficking in persons.⁶⁴⁰ IOM supports a regional effort on the trafficking of women and children in the Balkans, including Bulgaria, that includes initiatives to build government capacity.⁶⁴¹ In December 2002, the government signed a joint declaration with other Southeastern European nations to better assist victims of trafficking.⁶⁴²

The Ministry of Labor and Social Policy has collaborated with NGOs to develop projects promoting education for vulnerable groups.⁶⁴³ An ethnic reintegration effort involving children of Roma ethnicity, a minority group in Bulgaria, began in some of the country's schools in 2000. In order to increase Roma attendance, the government

⁶³⁴ ILO-IPEC, *All about IPEC: Programme Countries*, [online] 2001 [cited June 23, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁶³⁵ U.S. Embassy- Sofia, *unclassified telegram no. 2498*, October 25, 2002.

⁶³⁶ 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. Under legislation passed in 2003, the State Agency for Child Protection will be responsible for drafting a "National Program for Child Protection." See U.S. Embassy— Sofia, *unclassified telegram no. 1608*, August 19, 2003.

⁶³⁷ A cooperative action plan is currently under development. See U.S. Embassy— Sofia, *unclassified telegram no. 1608*.

⁶³⁸ See U.S. Embassy- Sofia, *unclassified telegram no. 4519*, June 2000.

⁶³⁹ 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.

⁶⁴⁰ In 2002, the government's Interagency Task Force on Trafficking participated in training activities on prevention offered by foreign governments and NGOs. See U.S. Department of State, *Trafficking in Persons Report- 2003: Bulgaria*, Washington, D.C., June 2003, 38; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. See also UNICEF, UN Office of the High Commissioner for Human Rights, and OSCE/Office for the Democratic Institutions and Human Rights, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, Belgrade, 2002; available from <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf> [hard copy on file]. The Government of Bulgaria is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

⁶⁴¹ IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, January 2001, 2, 4-6 available from http://www.iom.int/en/PDF_Files/other/Balkan_strategy.pdf.

⁶⁴² Alban Bala, *Southeastern Europe: Governments Shift Their Focus In Fighting Human Trafficking*, Radio Free Europe: Radio Liberty, [online] December 13, 2002 [cited July 2, 2003]; available from <http://www.rferl.org/nca/features/2002/12/13122002200939.asp>.

⁶⁴³ 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; available from <http://www.un.org/ga/children/bulgariaE.htm>.

and NGOs provide subsidies for schooling expenses such as school lunches, books, and tuition fees.⁶⁴⁴ With support from USAID,⁶⁴⁵ additional integration efforts, such as busing programs, began in 2002.⁶⁴⁶ For the period 2003–2004, USAID is continuing to fund activities for Roma children designed to reduce school-dropout rates.⁶⁴⁷ The EU has also provided funding for projects to encourage school attendance by Roma children that include income support for Roma families, cultural sensitivity training for teachers, and development of Roma-friendly curriculum.⁶⁴⁸ With EU support, the government has also provided funding for additional teaching assistants, usually from minority ethnic groups, to be placed in classrooms with Roma and Turkish students.⁶⁴⁹ The World Bank has funded a 3-year education modernization project in the country that began in 2001 and a 3-year child welfare reform project in 2001.⁶⁵⁰

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14 percent of children ages 5 to 17 years in Bulgaria were working.⁶⁵¹ Children engaging in paid work outside of the home work in the commercial and service sectors, agriculture, forestry, transportation, communications, industry, and construction.⁶⁵² Such work tends to occur in the informal sector.⁶⁵³ Children also engage in unpaid work for family businesses or farms, and in their households.⁶⁵⁴ Children are involved in the distribution of drugs and in prostitution, sometimes working with organized crime rings.⁶⁵⁵ According to the Ministry of the Interior, in 2002 there were a total of 501 reported underage prostitutes.⁶⁵⁶ In

⁶⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Bulgaria*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18358pf.htm>. In April 2003, the Minister of Education issued a decree prohibiting Roma children who are not mentally handicapped from being registered in special schools that serve such children. Some parents reportedly choose to send healthy children to such schools because the schools cover the child's living expenses. See Republic of Bulgaria Council of Ministers Representative, interview with USDOL official, August 21, 2003.

⁶⁴⁵ USAID, *Data Sheet: Bulgaria*, Washington, DC, no date.

⁶⁴⁶ U.S. Department of State, *Country Reports- 2002: Bulgaria*.

⁶⁴⁷ USAID, *Data Sheet*.

⁶⁴⁸ Republic of Bulgaria Council of Ministers Representative, personal communication with USDOL official, October 7, 2003.

⁶⁴⁹ Ibid. See also U.S. Embassy—Sofia, *unclassified telegram no. 1608*.

⁶⁵⁰ World Bank, *Education Modernization Project*, [online] [cited June 21, 2003]; available from http://www.worldbank.bg/operations/EM_en.pdf. See also World Bank, *Child Welfare Reform Project*, [online] [cited June 21, 2003]; available from http://www.worldbank.bg/operations/CWR_en.pdf.

⁶⁵¹ 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.

⁶⁵² Ibid., 32. Children work in restaurants, shops, hotels, and small-scale textile factories. They also sell newspapers and other items. See U.S. Department of State, *Country Reports- 2002: Bulgaria*, Section 6d. See also ILO-IPEC, *Problems of Child Labor*, 31.

⁶⁵³ ILO-IPEC, *Problems of Child Labor*, 32. It is believed that underage employment in the informal and agricultural sectors is increasing due to the break-up of collective farms and the growth of the private sector. See U.S. Department of State, *Country Reports- 2002: Bulgaria*, Section 6d.

⁶⁵⁴ Farm work may expose children to toxic chemicals and increased risk of injury. ILO-IPEC, *Problems of Child Labor*, 32, 34, 36, 47. Children of the ethnic Turkish minority face health hazards from work on family tobacco farms. See U.S. Embassy—Sofia, *unclassified telegram no. 1608*. See also U.S. Embassy—Sofia, *unclassified telegram no. 2498*.

⁶⁵⁵ U.S. Department of State, *Country Reports- 2002: Bulgaria*, Section 6d. See also ILO-IPEC, *Problems of Child Labor*, 55.

⁶⁵⁶ See U.S. Embassy—Sofia, *unclassified telegram no. 1608*. According to the Ministry, in 2001 there were a total of 340 reported under-age prostitutes. See U.S. Embassy—Sofia, *unclassified telegram no. 2498*.

2000, the police estimated that 10 percent of prostitutes were minors.⁶⁵⁷ Bulgaria is a source, transit, and destination country for trafficking in girls for sexual exploitation.⁶⁵⁸

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 7.⁶⁵⁹ In 2000, the gross primary enrollment rate was 103.2 percent, and the net primary enrollment rate was 94.3 percent.⁶⁶⁰ Roma children tend to have low attendance and high dropout rates.⁶⁶¹ 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.⁶⁶²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Exceptions to the Labor Code provide that children ages 13 to 15 may engage in light work and perform certain jobs approved by the government.⁶⁶³ Children under 18 are required to work reduced hours and are prohibited from hazardous, overtime, and night work.⁶⁶⁴ The Family Code establishes legal protections for children working in family businesses.⁶⁶⁵ In 2000, the Child Protection Act was enacted, which prohibits the involvement of children in activities that might harm their development, such as begging and prostitution.⁶⁶⁶ The Constitution prohibits forced labor,⁶⁶⁷ and the Penal Code prohibits procuring women and children for prostitution, abducting a woman or child for the purposes of sexual

⁶⁵⁷ European Parliament, *Trafficking in Women*, working paper, Brussels, March 2000, 60.

⁶⁵⁸ No official statistics on trafficking of children are available. Bulgarian victims are trafficked to countries across Western, Southern and Eastern Europe, as well as to South Africa, while victims have been trafficked into Bulgaria from Ukraine, Moldova, Romania, Russia, and the Caucasus countries. Ethnic Roma are disproportionately represented among Bulgarian victims. See U.S. Department of State, *Trafficking in Persons Report-Bulgaria*, 38. See also UNICEF, UN Office of the High Commissioner for Human Rights, and OSCE/Office for the Democratic Institutions and Human Rights, *Trafficking in Human Beings*, 51-52.

⁶⁵⁹ Government of Bulgaria, *National Education Act*, (State Gazette, No. 86/18.10.1991), [cited June 23, 2003], Articles 6 and 7; available from <http://www.bild.net/legislation/>.

⁶⁶⁰ Enrollment rates for boys are similar to enrollment rates for girls. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁶⁶¹ ILO-IPEC, *Problems of Child Labor*, 64. See also U.S. Department of State, *Country Reports- 2002: Bulgaria*, Section 5. According to the World Bank, however, Roma school attendance improved from 55 percent in 1995 to 71 percent in 2001. See U.S. Embassy- Sofia, *unclassified telegram no. 2498*.

⁶⁶² For a more detailed discussion of the relationship between education statistics and work, see the preface to this report.

⁶⁶³ Children under 18 must have government approval to work. *Labour Code Act, as amended*, (2001), Article 301-03; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁶⁶⁴ *Ibid.*, 137, 40, 47, 303-05.

⁶⁶⁵ ILO-IPEC, *Problems of Child Labor*, 60.

⁶⁶⁶ *Ibid.*, 59. See also Statement by Mrs. Lidia Shuleva at the United Nations Special Session on Children. The Act was amended in 2003 to strengthen protections for adopted children or children deprived of the care of their families, pursuant to Article 20 of the Convention on the Rights of the Child. See U.S. Embassy— Sofia, *unclassified telegram no. 1608*. For the text of the convention, see *Convention on the Rights of the Child*; available from <http://www.unhcr.ch/html/menu2/6/crc/treaties/crc.htm>.

⁶⁶⁷ *Constitution of Bulgaria, 1991*, Article 48 (4); available from http://www.uni-wuerzburg.de/law/bu00000_.html.

exploitation, and depriving any individual of his or her liberty.⁶⁶⁸ In May 2003, the government adopted a trafficking in persons law that includes measures for the protection of child victims of trafficking.⁶⁶⁹

The Chief Labor Inspectorate is responsible for enforcing all labor laws, including those covering child labor. As of August 2003, the inspectorate had 400 inspectors, an increase from 271 inspectors in 2002.⁶⁷⁰ Child labor laws are generally well enforced in the formal sector.⁶⁷¹ In 2002, the inspectorate conducted checks on 30,298 enterprises and found 598 violations of child labor laws.⁶⁷² Weaknesses in the judicial system hamper enforcement of trafficking laws.⁶⁷³

The Government of Bulgaria ratified ILO Convention 138 on April 23, 1980 and ILO Convention 182 on July 28, 2000.⁶⁷⁴

⁶⁶⁸ Article 142a prohibits trafficking by criminalizing the illegal deprivation of liberty of a person and, in cases involving minors, establishes a penalty of imprisonment for three to 10 years. Articles 155 and 156 prohibit the abduction or persuasion of a female for prostitution, and set a penalty of up to 12 years imprisonment when the crime involves a minor. Article 188 sets penalties of up to six years imprisonment for those who compel a minor to engage in prostitution. See Government of Bulgaria, *Penal Code*; available from <http://209.190.246.239/protectionproject/statutesPDF/Bulgariaf.pdf>.

⁶⁶⁹ U.S. Embassy— Sofia, *unclassified telegram no. 1608*.

⁶⁷⁰ See *Ibid.* See also U.S. Embassy— Sofia, *unclassified telegram no. 2498*.

⁶⁷¹ U.S. Department of State, *Country Reports- 2002: Bulgaria*, Section 6d.

⁶⁷² U.S. Embassy— Sofia, *unclassified telegram no. 1608*. The number of violations is down from 2001. See U.S. Embassy— Sofia, *unclassified telegram no. 2498*.

⁶⁷³ U.S. Department of State, *Trafficking in Persons Report- Bulgaria*, 38.

⁶⁷⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; 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 has been a member of ILO-IPEC since 1999.⁶⁷⁵ The government and ILO-IPEC have also launched a national program funded by France to contribute to the elimination of the worst forms of child labor.⁶⁷⁶ In 2003, USDOL funded a USD 3 million education initiative to increase enrollment in and graduation from basic education programs among children at risk of child trafficking in Burkina Faso.⁶⁷⁷ A national child labor survey project was funded in 2002 and is currently in the design and implementation stages.⁶⁷⁸ 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; the project began in July 2001 and is scheduled for completion in July 2004.⁶⁷⁹ In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Burkina Faso.⁶⁸⁰ In January 2002, officials from Burkina Faso attended a meeting organized by the Government of Côte d'Ivoire, in collaboration with INTERPOL, to discuss child trafficking in West and Central Africa. Issues that were covered included the prevention of trafficking and the rehabilitation of trafficking victims. In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.⁶⁸¹

The Ministry of Social Action and National Solidarity collaborated with other governmental agencies and NGOs to create Vigilance and Surveillance Committees for child trafficking, open transit centers for trafficked children, and carry out awareness-raising activities for bus drivers, bus terminal workers and others.⁶⁸² Highway police have received sensitization training on child trafficking.⁶⁸³ In partnership with NGOs, UNICEF and the ILO, the government has organized workshops and seminars on child trafficking and child labor.⁶⁸⁴

⁶⁷⁵ ILO-IPEC, *All about IPEC: Programme Countries*, [online] February 12, 2002 [cited July 30, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/about/countries/index.htm>. The Government of Burkina Faso developed a national plan of action on child labor in 1997. 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 DC, September 2002, 8. See also, U.S. Department of State, *Country Reports on Human Rights Practices - 2002 Burkina Faso*, March 31, 2003 [cited June 23 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18170pf.htm>.

⁶⁷⁶ Zongo, *public comment*, 8. See also ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, 26, 62.

⁶⁷⁷ U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking*, Project Summary, 2003.

⁶⁷⁸ ILO-IPEC official, electronic communication to USDOL official, August 27, 2002. See also, ILO-IPEC, *About SIMPOC*, April 9, 2003 [cited August 18, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/about.htm>.

⁶⁷⁹ The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

⁶⁸⁰ The strategy is intended to encourage governments in the region to develop and implement laws that allow for the prosecution of traffickers. 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 donors, funding of regional and international organizations, and direct funding for host government or local NGOs. See U.S. Embassy-Abuja, *unclassified telegram no. 1809*, June 2002.

⁶⁸¹ 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>.

⁶⁸² Minister of Social Action and National Solidarity Mariama Lamizana, and Jean Baptiste Zoungrana, and Bernadette Bonkougou, Ministry of Social Action and National Solidarity Officials, meeting with USDOL Official, January 21, 2003. In October 2001, the Ministry established a transit center for trafficked children. In addition to receiving trafficked children and returning them to their communities, the center conducts awareness-raising for bus drivers and terminal workers among others. Ms. Zongnaba, Ministry of Social Action and National Solidarity, meeting with USDOL Official, January 21, 2003. See also, U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*, August 2003.

⁶⁸³ Rasmané Ouangraoua and Pascal Sindgo, National Police Officials, meeting with USDOL Official, January 24, 2003.

⁶⁸⁴ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

In 1986, the Ministry of Social Action and National Solidarity established the Center for Specialized Education and Training to assist street children; it currently serves boys referred by the Ministry of Justice and boys with behavioral problems who are sent to the Center by their parents.⁶⁸⁵ In addition, the government has produced documentary films on child labor in the mining and domestic service sectors, and has produced a television series on child labor.⁶⁸⁶

In June 2002, the Government of Burkina Faso 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 2015.⁶⁸⁷ In September 2002, the Government of Burkina Faso launched a 10-Year Basic Education Development Plan (2001-2010), which is projected to cost 235 billion CFA francs (USD 350 million).⁶⁸⁸ Eighty-two percent of the funding for the education plan will be allocated to improve primary school level education, primarily in rural areas.⁶⁸⁹ Between 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.⁶⁹⁰ UNICEF has worked with the government to fund programs like 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.⁶⁹¹ The Ministry of Basic Education is working with Catholic Relief Services and the World Bank on a school health program.⁶⁹²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 41.9 percent of children ages 10 to 14 in Burkina Faso were working.⁶⁹³ In Burkina Faso, most working children are found in agriculture, gold washing and mining, and informal sector activities; vending and domestic service are significant sectors for girls.⁶⁹⁴ Children working in agriculture have been found to be overworked and suffer from injuries such as snakebites.⁶⁹⁵ Burkina Faso is a source, transit, and

⁶⁸⁵ Ministry of Social Action and National Solidarity Officials from the Center for Specialized Education and Training, with USDOL Official, January 21, 2003.

⁶⁸⁶ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. See also, Zongo, *public comment*, 9.

⁶⁸⁷ World Bank, *World Bank Announces First Group of Countries for 'Education for All' Fast Track*, press release, Washington, D.C., June 12, 2002.

⁶⁸⁸ The plan is implemented as part of Burkina Faso's Poverty Reduction Strategy supported by the World Bank, Burkina Faso Ministry of Economy and Development and Ministry of Finance and Budget, *Burkina Faso Poverty Reduction Strategy Paper: Progress Report 2001*, The World Bank, September, 2002. . See also, Integrated Regional Information Networks, *Burkina Faso: Focus on New Plan for Basic Education*, [online] September 23, 2002 [cited July 7, 2003]; available from <http://www.irinnews.org/report.asp?ReportID=30039>. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 7/8/03 using the average currency exchange rate (.00149 XOF = 1 USD) for the month of September 2002.

⁶⁸⁹ Integrated Regional Information Networks, *Burkina Faso: Focus on New Plan for Basic Education*..

⁶⁹⁰ 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] July 11, 2000 [cited July 7, 2003]; available from <http://www.worldbank.org>.

⁶⁹¹ Mamadou Bagayoko, UNICEF official, and Remy Habou, and Adama Traoré, Ministry of Basic Education and Literacy Officials, meeting with USDOL Official, January 22, 2003. See also, UNICEF, *Girls' Education in Burkina Faso*, [online] [cited July 7, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Fasofinal.PDF.

⁶⁹² Anne Smith and Moussa Dominique Bangre, Catholic Relief Services Officials, Meeting, January 20, 2003 with USDOL Official, January 20, 2003.

⁶⁹³ World Bank, *World Development Indicators 2003 [CD-ROM]*, Washington, D.C., 2003.

⁶⁹⁴ Zongo, *public comment*, 7.

⁶⁹⁵ Marie Berthe Ouédraogo, UNICEF Official, meeting with USDOL Official, January 20, 2003.

destination country for trafficked children.⁶⁹⁶ Studies indicate that a significant proportion of trafficking activity is internal.⁶⁹⁷ In 2002, the NGO Terre des Hommes Laussane estimated that 165,000 working children are separated from their parents.⁶⁹⁸ Children are trafficked into Burkina Faso's two largest cities, Bobo-Dioulasso and Ouagadougou, to work as domestic servants, street vendors, in agriculture, and in prostitution.⁶⁹⁹ An ILO study estimated that more than 81,000 children in these two cities have been "placed" in work situations by an intermediary.⁷⁰⁰

The Education Act made schooling compulsory from age 6 to 16.⁷⁰¹ In 2000, the gross primary enrollment rate was 44.3 percent (51.7 percent for boys and 36.8 percent for girls), and the net primary enrollment rate was 35.5 percent (41.6 percent for boys and 29.4 percent for girls).⁷⁰² School enrollment and literacy rates for girls are lower in rural regions than in urban regions.⁷⁰³ The Government of Burkina Faso reported that the attendance ratio for the 2000–2001 school year was 43.4.⁷⁰⁴ 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.⁷⁰⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, but children who are 12 or 13 years old may perform light work for up to 4 and one-half hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.⁷⁰⁶ Therefore under the law, children may start working fulltime at age 14, but are required to remain in school until the age of 16.⁷⁰⁷ Slavery and slavery-like practices, inhumane and cruel treatment, physical or emotional abuse of children are forbidden by the Burkinabe

⁶⁹⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Burkina Faso*, June 11, 2003 [cited June 23 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

⁶⁹⁷ Mariama Ouédraogo, ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

⁶⁹⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁶⁹⁹ ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, [synthesis report] 2001 [cited August 18 2003], 9, 11; available from <http://www.ilo.org/public/english/standards/ipec/publ/field/africa/central.pdf>.

⁷⁰⁰ U.S. Embassy- Ouagadougou official Christopher Palmer, electronic communication to USDOL official, April 15, 2002.

⁷⁰¹ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, CRC/C/65/Add.18, prepared by Government of Burkina Faso, pursuant to Article 44 of the Convention on the Rights of the Child, February 2002, para. 341.

⁷⁰² USAID, *Global Education Online Database*, USAID, [database online] 2000 [cited July 8, 2003]; available from <http://quesdb.cdie.org/ged/index.html>.

⁷⁰³ U.S. Department of State, *Country Report 2002 Burkina Faso*, Section 5.

⁷⁰⁴ The attendance ratio may be an overestimate. U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The most recent attendance rates for girls and boys available are for the 1992–1993 school year. These rates reflect the gender disparity in access to education. The gross attendance rate for boys was 47.0 percent and 32.5 percent for girls in 1992–1993. The net attendance rate was 36.2 percent for boys and 26.0 percent for girls. In 1992–1993, the gross primary school attendance rate was 39.8 percent while the net primary school attendance rate was 31.1 percent. USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

⁷⁰⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁷⁰⁶ See, Government of Burkina Faso, *Code du Travail*, Loi No 11-92/ADP, (December 22, 1992), Article 87; available from <http://natlex.ilo.org/txt/F92BFA01.htm>. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*, September 2001, Diedi Dembele, electronic communication to USDOL official, December 5, 2001.

⁷⁰⁷ Despite legal precautions, many children do not attend school at all; the average age of completion for those who do is 14 years. U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

Constitution⁷⁰⁸ and forced labor is forbidden by the Labor Code.⁷⁰⁹ On May 27, 2003, the National Assembly adopted anti- trafficking in persons legislation that proscribes child trafficking for any purpose.⁷¹⁰ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes the prostitution of persons less than 18 years of age.⁷¹¹ Contributing to the corruption or debauchery of a minor is also illegal.⁷¹² Penalties specified for these crimes apply even if the offenses are committed in different countries.⁷¹³

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.⁷¹⁴ The government has minimal resources to conduct child labor investigations.⁷¹⁵ 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.⁷¹⁶

The Government of Burkina Faso ratified ILO Convention 138 on February 11, 1999 and ILO Convention 182 on July 25, 2001.⁷¹⁷

⁷⁰⁸ *Constitution du Burkina Faso*, Loi N° 002/97/ADP, (January 27, 1997); available from <http://www.primature.gov.bf/republic/fconstitution.htm>.

⁷⁰⁹ Forced labor is forbidden by Article 2 of the Burkina Faso Labor Code. However, under certain circumstances persons between the ages of 18 and 45 years may be compelled to work. See, *Burkina Faso Labor Code*.

⁷¹⁰ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. See also, ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, progress report, RAF/01/P53/USA, Geneva, September 8 2003. It is worth noting, in addition, that kidnapping and violence toward children is prohibited by the Criminal Code. U.S. Department of State, *Country Report 2002 Burkina Faso*, Section 6f.

⁷¹¹ 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, Section IV: Offenses against Public Morals*, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf>.

⁷¹² 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.*

⁷¹³ *Ibid.*, Articles 334 and 34-1.

⁷¹⁴ 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 8.29 to USD 994.64). U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The exchange rate applied is 1 USD = 0.00166 XOFEX Converter, [online] [cited August 27, 2003]; available from <http://www.oanda.com/convert/classic>.

⁷¹⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁷¹⁶ 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 no. 1153*, June 2001. See also U.S. Embassy-Ouagadougou, *unclassified telegram no. 1505*, September 2001.

⁷¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 8, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Burundi is an associated country of ILO-IPEC.⁷¹⁸ 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 ages 7 to 12 years of age, increase the net primary enrollment rate from 52.0 to 80.0 percent, reintegrate street children into the school system, and improve child protection services.⁷¹⁹ In 2001, the government's Institute of Statistics and Economic Studies of Burundi and UNICEF published a national evaluation survey on the Living Conditions of the Children and Women in Burundi, which included assessments of education and child labor.⁷²⁰

The UN High Commissioner for Refugees has implemented projects in Burundi that reunite children with their parents, educate returnees, and provide education and work alternatives for adolescents.⁷²¹ In 2001 a 4-year, USDOL-funded ILO-IPEC regional program designed to reintegrate child soldiers in their families and communities, as well as prevent further involvement of children in armed conflicts in Central Africa was initiated in Burundi.⁷²² In October 2001, the Ministry of Labor provided strong support for these ongoing activities.⁷²³ UNICEF signed an MOU with the Government of Burundi with the goal of developing a program to address the problem of child soldiers by engaging both the government's army and the rebels.⁷²⁴

The World Bank has committed several loans to Burundi, with a focus toward social protection. The Social Action Project funds improvement of social services, including health and general education.⁷²⁵ The Multisectoral HIV/AIDS Control and Orphans Project helps find homes for orphans, provides financial support for their care and schooling, and builds the public and private infrastructure that cares for this vulnerable group of children.⁷²⁶ UNICEF has provided school materials in emergency areas and those most affected by the conflict,⁷²⁷ and is also working to improve education for girls.⁷²⁸

⁷¹⁸ *All About IPEC: Programme Countries*, ILO-IPEC, [online] August 13, 2001 [cited July 7, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁷¹⁹ *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECEF-Burundi 2000)*, Institut de Statistiques et d'Etudes Economiques du Burundi, March, 2001, 10-11; available from <http://www.childinfo.org/MICS2/newreports/burundi/burundi1.pdf>. The goal of universal education was not met by 2000, and a new goal of universal free primary education is now set for 2015. See U.S. Embassy-Bujumbura, *unclassified telegram no. 1025*, August, 2003.

⁷²⁰ *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECEF-Burundi 2000)*, 10.

⁷²¹ *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I)*, ILO-IPEC, Geneva, July, 2001, 6. Save the Children UK also works to co-ordinate the tracing of families that have been separated, and to support vulnerable children. See Save the Children UK, *Save the Children UK Annual Report (2001-02)*, 2002; available from http://www.savethechildren.org.uk/functions/wedo/annualreport/spending_africa.html [hard copy on file].

⁷²² *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I)*, 8-9.

⁷²³ 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. Other countries included in this project are the Democratic Republic of Congo, Republic of Congo, and Rwanda.

⁷²⁴ *Children affected by armed conflict: UNICEF actions*, UNICEF, May, 2002.

⁷²⁵ *Social Action Project (02)*, World Bank, June 27, 2003 [cited June 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P064510>.

⁷²⁶ *Multisectoral HIV/AIDS Control and Orphans Project*, The World Bank, [online] June 27, 2003 [cited June 26, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071371>.

⁷²⁷ UNICEF Burundi, *Situation Report*, January-February, 2003; available from <http://www.unicef.org/emerg/Country/Burundi/030102.pdf> [hard copy on file]. The European Union has also committed funds to provide educational materials as part of their humanitarian aid. See *EU humanitarian aid plan for Burundi*, European Union at United Nations, [online] February 14, 2003 [cited July 1, 2003]; available from <http://europa-eu-un.org/article.asp?id=2044>.

⁷²⁸ UNICEF, *Girls' Education in Burundi*, [previously online] [cited July 7, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Burundifinal.pdf [hard copy on file].

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.⁷²⁹ Approximately 79.0 percent of those children were active in domestic activities, such as tending to the sick, carrying water, and caring for children.⁷³⁰ Children are also known to participate in subsistence agriculture and other informal sector activities.⁷³¹ Children work as soldiers in Burundi, and the government and rebel forces are known to actively recruit children.⁷³² The most vulnerable elements of society, such as street children, are at high risk of exploitation by armed groups.⁷³³ Child prostitution is reported to be a problem.⁷³⁴

Primary education in Burundi is compulsory for six years.⁷³⁵ In 2000, the gross primary enrollment rate was 65.0 percent, and the net primary enrollment rate was 53.7 percent.⁷³⁶ In 2000, only 47.0 percent of school-age children regularly attended primary school (43.7 percent for girls and 50.5 percent for boys).⁷³⁷ In 1999, 58.4 percent of children enrolled in primary school reached grade 5.⁷³⁸ Enrollment and attendance have been adversely affected by the military conflict. In some high conflict areas schools have been destroyed, and finding qualified teachers willing to work in these areas has become increasingly difficult.⁷³⁹ In addition, the cost of school fees and materials are prohibitive for some families.⁷⁴⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years, except in cases of light, non-hazardous work or apprenticeships, provided that the work is not dangerous to the health of the child and does not interfere with their normal childhood development or education.⁷⁴¹ Children under the age of 18 are prohibited from working at night.⁷⁴² The Labor Code amendment of 1993 calls for workplaces to protect the health and welfare of children

⁷²⁹ 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. *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECF-Burundi 2000)*, 39. In 2001, the ILO estimated that 48.4 percent of children ages 10 to 14 were in the labor force. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁷³⁰ *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECF-Burundi 2000)*, 39.

⁷³¹ United States Department of State, *Country Reports on Human Rights Practices - 2002: Burundi*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18171.htm>.

⁷³² *Ibid.*, Section 5. See also Amnesty International, *Poverty, isolation and ill-treatment: Juvenile Justice in Burundi*, September 2002, 6; available from [http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR160112002ENGLISH/\\$File/AFR1601102.pdf](http://web.amnesty.org/aidoc/aidoc_pdf.nsf/Index/AFR160112002ENGLISH/$File/AFR1601102.pdf).

⁷³³ *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I)*, 5. HIV/AIDS and the state of constant conflict in the country led to an increased number of street children. See U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Burundi*, Section 5.

⁷³⁴ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Burundi*, Section 5. See also Ecpat International, *Child Prostitution*, online database, 2003; available from <http://www.ecpat.net>.

⁷³⁵ 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>. ⁷³⁶ World Bank, *World Development Indicators 2003*.

⁷³⁷ *Enquete Nationale d'Evaluation des Conditions de vie de l'Enfant et de la Femme au Burundi (ENECF-Burundi 2000)*, 20.

⁷³⁸ World Bank, *World Development Indicators 2003*.

⁷³⁹ See U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Burundi*, Section 5. See also Tony Jackson, *Equal Access to Education a peace imperative for Burundi*, International Alert, London, September, 2000, 8-9; available from http://www.international-alert.org/pdf/pubgl/burun_ed_en.pdf.

⁷⁴⁰ Jackson, *Equal Access to Education*, 33.

⁷⁴¹ *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, Article 126; available from <http://natlex.ilo.org/txt/F93BDI01.htm>.

⁷⁴² U.S. Embassy-Bujumbura, *unclassified telegram no. 1025*.

and adolescents,⁷⁴³ and allows inspections to ensure this.⁷⁴⁴ Labor inspectors may also ask for working children to receive medical exams to prove that they are not working beyond their physical ability.⁷⁴⁵ Although there have been reports of recruitment of children by the armed forces, the Government of Burundi is a party to international accords that stipulate a minimum recruitment age of 18.⁷⁴⁶ Reliable information on enforcement of child labor laws is not available.

The Government of Burundi ratified ILO Convention 138 on July 19, 2000 and ILO Convention 182 on June 11, 2002.⁷⁴⁷

⁷⁴³ *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, Articles 127–28.

⁷⁴⁴ U.S. Embassy–Bujumbura, *unclassified telegram no. 1025*.

⁷⁴⁵ *Decret loi no 1/037 du 7 juillet 1993 portant revision du Code du travail*, Article 128.

⁷⁴⁶ U.S. Embassy–Bujumbura, *unclassified telegram no. 1025*.

⁷⁴⁷ *Ratifications by Country*, ILO, [database online] [cited June 29, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Cambodia has been a member of ILO-IPEC since 1997.⁷⁴⁸ The government has adopted national policies on the protection of vulnerable children⁷⁴⁹ and a plan for 2000-2004 on combating the trafficking and sexual exploitation of children.⁷⁵⁰ The National Institute of Statistics has conducted three surveys on child labor, including a 2001 survey exclusively on child labor with sponsorship from ILO-IPEC's SIMPOC.⁷⁵¹

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 2000,⁷⁵² and the government has worked to prevent trafficking in conjunction with numerous NGOs and international organizations. The Ministry of Tourism collaborates with NGOs to combat sex tourism. The Ministry of Interior operates an anti-trafficking hotline.⁷⁵³ MOSALVY works with UNICEF and IOM to return trafficked children to their homes,⁷⁵⁴ and operates two temporary shelters for victims.⁷⁵⁵ The Ministry of Women's and Veteran's Affairs and MOSALVY, in conjunction with UNICEF's Community-Based Child Protection Network, work to teach children and community members about the hazards of trafficking, and train individuals to identify potential victims and take action to protect them.⁷⁵⁶ Cambodia is included in a regional ILO-IPEC anti-trafficking project with funding from the Department for International Development-UK.⁷⁵⁷ On May 31, 2003, the Government of Cambodia signed a MOU with the Government of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women.⁷⁵⁸

⁷⁴⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 3, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁷⁴⁹ National Council for Children, *National Programme of Action for Children in Cambodia, 1998-2000*, Phnom Penh, 17. MOSALVY organized three workshops to draft a second plan of action, intended as a direct follow-on to the first one. See U.S. Embassy- Phnom Penh Labor Attaché, electronic communication to USDOL official, February 19, 2004.

⁷⁵⁰ National Council for Children, *Five Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004*, Phnom Penh, April 2000.

⁷⁵¹ The National Institute of Statistics included a module of questions on child labor in its 1996 and 1999 socioeconomic surveys. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, Phnom Penh, September 2002, 2-3. See also National Institute of Statistics, *Report on Child Labor in Cambodia- 1996*, Phnom Penh, 1997; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/cambodia/cambodia.pdf>.

⁷⁵² Government of Cambodia, "Cambodia Country Paper" (paper presented at the ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001), 4.

⁷⁵³ U.S. Department of State, *Trafficking in Persons Report- 2003: Cambodia*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#cambodia>. A joint project with the MOI, UNICEF, IOM, World Vision International, the UN Cambodia Office of the High Commission for Human Rights, and Redd Barna (Save the Children Norway) developed training materials and procedures for ongoing MOI police training to combat sexual exploitation and established a hotline to report crimes. See Government of Cambodia, "ILO-Japan Asian Meeting: Cambodia Country Paper".

⁷⁵⁴ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*, September 12, 2000.

⁷⁵⁵ U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁵⁶ Ibid. Villages in the network also establish "village social funds" that provide vulnerable children with funds to attend school. UNICEF, *Profiting from Abuse: An Investigation into the Sexual Exploitation of Our Children*, New York, 2001, 24, 26; available from http://www.unicef.org/publications/pub_profiting_en.pdf.

⁷⁵⁷ 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. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] May 27, 2003 [cited July 3, 2003]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>.

⁷⁵⁸ Ministry of Foreign Affairs and International Cooperation, "Joint Cambodian-Thai Cabinet Retreat," *Information Bulletin* 58 (May 31, 2003); available from <http://www.embassy.org/cambodia/press/052003.pdf>.

The Government of Cambodia, with support from ILO-IPEC, conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts.⁷⁵⁹ 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.⁷⁶⁰

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.⁷⁶¹ 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 6 by 2004.⁷⁶² MOEYS' Priority Action Programs (PAP) operate nationwide and include activities such as the provision of remedial classes for grades 1 through 6, and support to monitoring activities and capacity building.⁷⁶³ Other PAP activities include the elimination of primary school fees in 2001, which reportedly led to a sizeable increase in enrollment, and the provision of textbooks to schools.⁷⁶⁴ 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.⁷⁶⁵

The government works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school.⁷⁶⁶ The ADB is supporting MOEYS' efforts to implement its Education Strategic Plan through support of nationwide policy reforms,⁷⁶⁷ and is supporting an initiative to increase equitable access to education and facilitate management and fiscal decentralization.⁷⁶⁸ Another ADB-supported project focuses on educational assistance to girls and indigenous populations by raising awareness among stakeholders and promoting the development of scholarship programs for lower secondary schooling.⁷⁶⁹ Additionally, the World Bank is facilitating MOEYS' development of a participatory approach to improving school

⁷⁵⁹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*.

⁷⁶⁰ 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.

⁷⁶¹ Royal Government of Cambodia's Ministry of Education, Youth, and Sport, *Education Strategic Plan 2001-2005*, Phnom Penh, May 2001, Foreword.

⁷⁶² Department of Planning, *Education in Cambodia*, Ministry of Education, Youth and Sport, Phnom Penh, July 1999, 14. In 2002, only 52 percent of public primary schools met that target. See Save the Children UK, *Cambodia 2002*, [previously online] [cited November 12, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html [hard copy on file].

⁷⁶³ Ministry of Education, Youth, and Sport, *ESSP Review 2002: Education Sector Performance Report*, Phnom Penh, August 2002, 26-27; available from <http://www.moeys.gov.kh>.

⁷⁶⁴ Delays in the release of PAP funds have been a problem. See Ministry of Education, Youth, and Sport, *Education Sector Review Report - 2002*, Phnom Penh, October 2002, 58-60; available from <http://www.moeys.gov.kh>.

⁷⁶⁵ Director of Non-Formal Education, Ministry of Education, Youth and Sport, interview with USDOL official, October 17, 2000.

⁷⁶⁶ ILO-IPEC assisted the government to create a non-formal education program for former child workers. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1719*. Organizations with existing programs in Cambodia include World Education, CARE International, Kampuchean Action for Primary Education, and The Asia Foundation. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*, November 6, 2003.

⁷⁶⁷ The ADB is providing USD 20 million to the effort, which is scheduled to end in November 2007. See ADB, *Education Sector Development Program*, (LOAN: CAM 33396-01), [online] December 15, 2001 [cited July 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/333996013.ASP>.

⁷⁶⁸ The ADB is providing USD 9 million, and the local cost is an additional 9 million. The project is scheduled to end in December 2006. See ADB, *Cambodia: Education Sector Development Project*, [online] December 5, 2001 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/33396023.ASP>.

⁷⁶⁹ The ADB provided a grant of USD 3 million from the Japan Fund for Poverty Relief; the project is slated to end in October 2005. See ADB, *Cambodia: Targeted Assistance for Education of Poor Girls and Indigenous Children*, [online] December 11, 2002 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/GRNT/36152012.ASP>.

quality and performance, including financing quality improvement grants.⁷⁷⁰ With USDA funding, the WFP works with MOEYS to deliver school feeding programs in order to increase enrollment.⁷⁷¹ A letter of agreement between the Government of Cambodia and USDOL was signed in June 2003 to launch a project improving access to quality education as a means to combat child labor.⁷⁷²

Incidence and Nature of Child Labor

In 2001, the National Institute of Statistics estimated that 44.8 percent of children ages 5 to 14 years in Cambodia were working.⁷⁷³ The majority of working children in Cambodia are engaged in the agriculture sector.⁷⁷⁴ More children work in rural areas than in urban areas.⁷⁷⁵ Children also work in hazardous conditions in brick and plywood factories; on commercial rubber plantations; in salt production; and as fish processors, street vendors, scavengers and garbage pickers.⁷⁷⁶ Street children engage in begging, shoe polishing and other income generating activities.⁷⁷⁷ Children, primarily girls, also work as domestic servants.⁷⁷⁸

Some children are held in debt bondage as commercial sex workers until they work off loans provided to their parents.⁷⁷⁹ Cambodia is reported to be a country of origin and a destination for trafficking in children for the purposes of commercial sexual exploitation and various forms of work, including forced labor and begging. Cambodian children are trafficked to Thailand for the purpose of commercial sexual exploitation or bonded labor,

⁷⁷⁰ The USD 5 million project will end in March 2004. See World Bank, *Education Quality Improvement Project*, in Projects Database, [online] [cited July 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P059971>.

⁷⁷¹ In Takeo province, where the WFP initiative is focused, enrollment improved by 8 percent over a 3-year period. See USDA Global Food for Education Pilot Program, *Cambodia Country Report: World Food Program*, Report to the U.S. Congress, Washington, D.C., 2003, 73-4; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/countryrpts.pdf>.

⁷⁷² Under the Agreement, USDOL will provide USD 3 million for the education initiative. See Ministry of Foreign Affairs and International Cooperation, *Senior Minister HOR Namhong Signs Agreements with US Ambassador*, [online] [cited October 15, 2003]; available from <http://www.mfaic.gov.kh/Ministry/Working%20Act%202003/June/SM%20Signs%20with%20US%20Amb.htm>.

⁷⁷³ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 38. The Survey defines “working children” to mean children engaged in an economic activity for at least one hour a day, or in a non-economic activity exceeding a certain number of hours. See National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 37. The percentage of child labor reported for Cambodia in this year’s report is substantially higher than that included in last year’s Trade and Development Act report because the 2001 government survey cited in this year’s report used a much larger and more comprehensive set of questions on child labor compared to the 1999 government survey cited in last year’s report, which used a more general socio-economic survey format. In addition, families with working children were specifically sought out for the 2001 survey.

⁷⁷⁴ National Institute of Statistics, *Report on Cambodia Child Labor Survey 2001*, 44.

⁷⁷⁵ *Ibid.*, 40-41.

⁷⁷⁶ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1077*, June 2000. 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>. See also UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 33, 39.

⁷⁷⁷ UNDP and Norwegian Agency for Development Cooperation, *Cambodia Human Development Report*, 39.

⁷⁷⁸ UNDP and NORAD, *Cambodia Human Development Report 2000*, Ministry of Planning, Phnom Penh, October 2000, 41. Most of these children are girls between ages 12 and 15 from remote provinces. Many have never attended school. See Un Chanvirak and Chea Pyden, “Child Labor in Cambodia,” *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis*; available from <http://www.cwa.tnet.co.th/booklet/cambodia.htm>.

⁷⁷⁹ UNDP and NORAD, *Cambodia Human Development Report*, 37.

and to Vietnam to work as beggars. Vietnamese girls are trafficked into Cambodia for commercial sexual exploitation. Internal trafficking of children also occurs.⁷⁸⁰ Children are also used in pornography.⁷⁸¹

Article 68 of the Constitution provides for the right to 9 years of free education to all citizens.⁷⁸² However, costs such as uniforms, books, admission fees, and teacher demands for unofficial fees to supplement incomes make schools unaffordable.⁷⁸³ In 2000, the gross primary enrollment rate was 110.2 percent. The net primary enrollment rate was 95.4 percent, with 90.3 percent of girls enrolled as opposed to 100.4 percent of boys.⁷⁸⁴ 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.⁷⁸⁵ 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.⁷⁸⁶

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 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.⁷⁸⁷ The Labor Law prohibits work that is hazardous to the mental and physical development of children under the age of 18, but the law does not define what types of work are considered hazardous.⁷⁸⁸ Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector, and unemancipated children⁷⁸⁹ must have the consent of a parent or guardian in order to work.⁷⁹⁰ However, the

⁷⁸⁰ U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁸¹ Illegal adoptions, sometimes involving the purchase and sale of babies and children for commercial sexual exploitation, are also a problem. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Cambodia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18238.htm>.

⁷⁸² *The Constitution of the Kingdom of Cambodia*, 2nd Plenary Session (September 21, 1993); available from <http://www.embassy.org/cambodia/cambodia/constitu.htm>. Schools are overcrowded, and often lack the full range of grades. In rural areas, lack of transportation to schools is an impediment to girls' participation in education. See U.S. Department of State, *Country Reports- 2002: Cambodia*, Section 5.

⁷⁸³ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁸⁴ World Bank, *World Development Indicators 2003*, Washington, D.C., 2003. Among the factors frequently cited for lack of access 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 U.N. Commission on Human Rights, Situation of Human Rights in Cambodia, 55th Session, Commission Resolution 1998/60, February 26, 1999, U.N. Document E/CN.4/1999/101, paras. 100-102.

⁷⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁷⁸⁶ Situation of Human Rights in Cambodia, para. 108.

⁷⁸⁷ 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); available from http://www.moc.gov.kh/laws_regulation/rkm_labor_law_97_page1.htm.

⁷⁸⁸ The Minister of Labor and the Labor Advisory Committee are tasked with officially determining hazardous work for minors. See *Ibid.*, Article 177. MOSALVY's preliminary list has not yet been reviewed by the LAC. See U.S. Department of State, *Country Reports- 2002: Cambodia*, Section 6d.

⁷⁸⁹ This legal term is used to refer to children under the control of a parent or guardian. See *Cambodian Labor Law*, Article 181.

⁷⁹⁰ *Ibid.*, 179, 81.

Labor Law applies only to the formal sector.⁷⁹¹

Article 15 of the Labor Law prohibits all forced labor, including in agriculture and domestic work.⁷⁹² The Constitution prohibits prostitution and the trafficking of women,⁷⁹³ and the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings outlaws trafficking. Under the law, brothel owners, operators, and individuals who prostitute others are subject to prison terms of between 10 to 20 years, depending on the age of the victim.⁷⁹⁴

MOSALVY is responsible for enforcing compliance with child labor laws.⁷⁹⁵ Since 2000, questions on child labor have been incorporated into routine labor inspections.⁷⁹⁶ In 2002, the Anti-Human Trafficking and Juvenile Protection Department was created to address trafficking and sexual exploitation of women and children, and currently has police units in seven provinces.⁷⁹⁷ Inadequate resources, insufficient staff, and lack of training hinder enforcement of child labor laws, and counter-trafficking efforts are hampered by official corruption.⁷⁹⁸

The Government of Cambodia ratified ILO Convention 138 on August 23, 1999, but has not ratified ILO Convention 182.⁷⁹⁹

⁷⁹¹ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*, December 6, 2001. 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*. In addition, the Labor Law does not cover family business, begging, scavenging, hauling, day labor, the commercial sex industry, or participation in any illegal activities. See U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁹² Article 16 prohibits hiring people to work to pay debts. See *Cambodian Labor Law*.

⁷⁹³ The Constitution refers to “the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women.” *Constitution*, Article 46.

⁷⁹⁴ 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. The government states that 75 convictions have been handed down under the law. U.S. Department of State, *Trafficking in Persons Report: Cambodia*.

⁷⁹⁵ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1973*.

⁷⁹⁶ *Ibid.*

⁷⁹⁷ U.S. Embassy- Phnom Penh, *unclassified telegram no. 1841*.

⁷⁹⁸ In 2002, a number of Vietnamese girls were rescued by the Ministry of Interior from brothels; some were found guilty of illegal immigration and served jail terms. As a result, the government came under criticism from civil society groups. See U.S. Department of State, *Country Reports-2002: Cambodia*, Sections 6d and f. 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.

⁷⁹⁹ ILO, *Ratifications by Country*, in IOLEX, [database online] [cited June 6, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

CAMEROON

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

The Government of Cameroon is an associated country of ILO-IPEC.⁸⁰⁰ 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.⁸⁰¹ The Government of Cameroon has also established inter-ministerial programs to address child labor, notably those concerning the trafficking of children.⁸⁰² In February 2002, the government signed the “Libreville Declaration” designed to harmonize national legislation on child trafficking in West and Central Francophone Africa.⁸⁰³ In June 2002, the U.S. State Department’s Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Cameroon. 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 is being implemented through improved coordination among donors, funding of regional and international organizations, and direct funding for host government or local NGOs.⁸⁰⁴ The Ministry of Tourism and UNICEF have collaborated on a study of child sex tourism, and in August 2002, the Ministry of Tourism trained tourism professionals on how to combat sexual tourism.⁸⁰⁵ In January 2003, the Minister of Social Affairs publicly condemned the exploitation of children and reiterated the government’s commitment to protect children from abuse and exploitation.⁸⁰⁶ In February 2003, the government, in collaboration with the African Soccer Confederation (CAF), promoted a radio and television “red card” campaign against child labor.⁸⁰⁷ In April 2003, the government also signed a convention with the ILO to eradicate child trafficking in the Central African sub-region and the ILO launched a sensitization campaign to eradicate child trafficking in Cameroonian airports through the distribution of anti-trafficking embarkation and disembarkation cards on all Cameroonian flights.⁸⁰⁸

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.⁸⁰⁹ In August 2002, the government created a

⁸⁰⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 7, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. Since 2001 the government has developed a draft national action plan to combat child labor. The plan has been submitted to the Prime Minister for approval. See Republic of Cameroon, *Plan d’Action National de la Lutte contre le Travail des Enfants au Cameroun*, Ministry of Employment, Labor and Social Insurance, n.d. See also U. S. Embassy–Yaounde, *unclassified telegram no. 1450*, August 2003.

⁸⁰¹ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, 2001.

⁸⁰² U.S. Embassy–Yaounde, *unclassified telegram no. 3036*, August 2002. See also U.S. Department of State, *Country Reports on Human Rights Practices–2002: Cameroon*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18172.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. The inter-agency anti-trafficking group is comprised of 10 ministerial agencies and has supported public awareness raising programs throughout 2002. In the same year, the Government of Cameroon, in collaboration with the ILO, also hired a consultant to assess the level of national trafficking. See U.S. Department of State, *Trafficking in Persons Report*, June 11, 2003.

⁸⁰³ U. S. Embassy–Yaounde, *unclassified telegram no. 1450*.

⁸⁰⁴ 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.

⁸⁰⁵ U. S. Embassy–Yaounde, *unclassified telegram no. 1450*.

⁸⁰⁶ Ibid.

⁸⁰⁷ U.S. Department of State, *Country Reports–2002: Cameroon*, Section 6d. See also ILO-IPEC, *Campagne de ratification: Carton rouge au travail des enfants*, 2002; available from <http://www.ilo.org/public/french/standards/ipecc/ratification/redcampaign/redcard.htm>.

⁸⁰⁸ U. S. Embassy–Yaounde, *unclassified telegram no. 1450*.

⁸⁰⁹ 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 October 22, 2003]; available from <http://www2.unesco.org/wef/countryreports/cameroon/contents.html>.

new ministry for technical and vocational education that is supervising the reform of this sector.⁸¹⁰ In March 2003, the government began distributing school furniture and over one million books to 196 selected schools in ten provinces.⁸¹¹ In April 2003, the Government of Cameroon launched its global education week with the theme “All for the Education of Girls.”⁸¹²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 58 percent of children ages 5 to 14 in Cameroon were working.⁸¹³ Only 5 percent of these children work for wages.⁸¹⁴ Domestic work is performed by seven out of 10 children, and 11 percent of them work for more than 4 hours a day on these tasks.⁸¹⁵ 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.⁸¹⁶ The ILO has found that 7 percent of working children in the cities of Yaounde, Douala, and Bamenda were less than 12 years of age, and 60 percent of these had dropped out of primary school.⁸¹⁷ Some child sex tourism has been reported in Douala.⁸¹⁸ Some street children reportedly work to earn money for school during school vacation.⁸¹⁹ Certain forms of child labor, such as domestic work by girls, are reported to be culturally accepted traditions in the North and Southwest.⁸²⁰ Children are also employed in the cocoa industry and engage in certain hazardous tasks such as application of pesticides and use of dangerous tools like machetes.⁸²¹

⁸¹⁰ President of Cameroon Paul Biya, *Head of State's Message in the Occasion of the 37th Youth Day*, Yaounde, February 10, 2003; available from http://www.spm.gov.cm/pm/discours/pr/pr2003_03a.htm. See also Irene Morikang, “Technical Education Leaves the Back Bench,” *Cameroon Tribune*, September 4, 2002.

⁸¹¹ Irene Morikang, “Free Books and Equipment for 196 Schools Nation-wide,” *Cameroon Tribune*, March 18, 2003.

⁸¹² During this week, the government raised awareness of the importance of girls' education. See Irene Morikang, “Education: In Search of Gender Parity,” *Cameroon Tribune*, April 11, 2003.

⁸¹³ The UNICEF Multiple Indicator Cluster Survey (MICS) was conducted with the Government of Cameroon's Ministry of Economics and Finance. See Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 14. The percentage of child labor reported for Cameroon in this year's report is substantially higher than that included in last year's Trade and Development Act report because this year's percentage includes a larger age group and because it is based on information in the MICS instead of the World Bank's *World Development Indicators* (WDI). Because the MICS is a stand-alone survey on children, it offers a more comprehensive look at work that children perform than the WDI, which projects numbers of working children based on existing non-child labor specific surveys.

⁸¹⁴ *Ibid.*, 11.

⁸¹⁵ *Ibid.*

⁸¹⁶ 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.

⁸¹⁷ See *Ibid.* The 2000 joint UNICEF/government study found, however, that the rate of child labor is lowest in the metropolitan areas of Yaounde and Douala. See Ministère de l'Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*.

⁸¹⁸ Ella Theophile Menye, Technical Advisor, Ministry of Social Affairs, interview with USDOL official, August 4, 2002.

⁸¹⁹ Foyer l'Espérance staff, interviews with USDOL official, August 4, 2002. See also Catholic Relief Services staff, interviews with USDOL official, August 6, 2002.

⁸²⁰ Feyio, interview with USDOL official, August 4, 2002.

⁸²¹ Cameroon was one of the countries studied as part of the International Protocol signed by the global chocolate industry in September 2001 to address abusive child labor practices in cocoa-growing West Africa. See International Institute of Tropical Agriculture, *IITA Update on West Africa Child Labor Study*, [online] 2002; available from <http://www.iita.org/news/chlab3.htm>.

Cameroon is a source, transit, and destination country for the trafficking of children.⁸²² The 2000 ILO study conducted in Yaounde, Douala and Bamenda indicated that trafficking accounted for 84 percent of an estimated 610,000 child laborers.⁸²³ Children from Cameroon are trafficked internally from rural areas of the country to urban areas.⁸²⁴ Children are trafficked through Cameroon to Nigeria, Benin, Niger, Chad, Togo, the Republic of Congo, and the Central African Republic.⁸²⁵ 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.⁸²⁶ 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.⁸²⁷ Cameroon has no place to shelter child victims of trafficking⁸²⁸ although the government is working with local and international NGOs to provide temporary shelter and assistance.⁸²⁹

Education is free in elementary school and is compulsory through the age of 14.⁸³⁰ 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 spending on national education.⁸³¹ Nevertheless, reports indicate that some school principals have been requiring bribes to enroll children in school⁸³² and the families of primary school children must pay for uniforms and book fees.⁸³³ Tuition and fees at the secondary school level remain unaffordable for many families⁸³⁴ and school enrollment varies widely by region with less than 50 percent of children attending school in the Far North Province.⁸³⁵

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 107.8 percent by 2000.⁸³⁶ 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.⁸³⁷ Although the Constitution of Cameroon guarantees a child's

⁸²² U.S. Department of State, *Trafficking in Persons Report, June 11, 2003*. According to this report Cameroon is a transit country for regional traffickers transporting children between Benin, Chad, Gabon, Niger, Mali and Nigeria. See also U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6f.

⁸²³ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6f.

⁸²⁴ ILO-IPEC, *Combating the Trafficking of Children*. See also U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6f. See also The Protection Project, "Human Rights Report on Trafficking in Persons, especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery," 2002; available from http://www.protectionproject.org/human_rights/countryreport/cameroon.htm.

⁸²⁵ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6f.

⁸²⁶ ILO-IPEC, *Combating the Trafficking of Children*.

⁸²⁷ Feyio, interview, August 2002.

⁸²⁸ Menye, interview, August 4, 2002.

⁸²⁹ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6f.

⁸³⁰ *Ibid.*, Section 5.

⁸³¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Cameroon*, Washington, D.C., March 4, 2002; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8285.htm>.

⁸³² U.S. Embassy- Yaounde, *unclassified telegram no. 3239*.

⁸³³ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 5.

⁸³⁴ *Ibid.*

⁸³⁵ *Ibid.*

⁸³⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁸³⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

right to education,⁸³⁸ girls suffer discrimination in their access to schooling and have lower attendance rates than boys.⁸³⁹ In 2001, the UN Committee on the Rights of the Child indicated a number of problems with the educational system in Cameroon, including rural/urban and regional disparities in school attendance, limited access to formal and vocational education for children with disabilities, children falling behind in their primary education, a high dropout rate, lack of primary school teachers, and a high degree of violence and sexual abuse against children in schools.⁸⁴⁰ Completion rates also vary by region, with 87 percent of children who enroll in the first year of primary school completing their fifth year in the North West and South West Regions, whereas only 39 percent of children complete their fifth year in Central, South and East Regions.⁸⁴¹ Domestic workers are also often not permitted to attend school.⁸⁴² In addition, because of the informal and disorganized nature of the training provided in apprenticeships, children often spend many hours working while acquiring very few skills.⁸⁴³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.⁸⁴⁴ The law prohibits youths between the ages of 14 to 18 from engaging in certain work, including moving heavy weights, working in dangerous and unhealthy tasks, working in confined areas, or in prostitution.⁸⁴⁵ The Labor Code also specifies that children cannot continue working in any job that exceeds their physical capacity.⁸⁴⁶ Labor law also requires that employers train children between 14 and 18 years, and the work contracts must contain a training provision for minors.⁸⁴⁷ Under the Labor Code, the Labor Inspectorate is empowered to require children to be examined by a medical professional to make sure their work does not exceed their physical capacity. Children can also request this examination themselves.⁸⁴⁸

The Labor Code prohibits forced labor.⁸⁴⁹ 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

⁸³⁸ Government of Cameroon, *Constitution of the Republic of Cameroon*, Law no. 96-06, (January 18, 1996), preamble [cited October 22, 2003]; available from <http://confinder.richmond.edu/Cameroon.htm>.

⁸³⁹ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 5. In Cameroon, “[discrimination] against girls and women in education occurs as a result of son preference: it is still common for families to send boys to school while girls stay at home. Aside from financial constraints, there is an expectation that instead of going to school, girls should help in crop farming, animal husbandry and household activities. Evidence of these expectations is reflected in the statistic that 68 percent of women over the age of 25 are illiterate compared to 43 percent of men.” See Convention Article 10, Education, in International Women’s Rights Action Watch, *Cameroon Country Report*, [online] 1999; available from <http://iwwaw.igc.org/publications/countries/cameroon.htm>.

⁸⁴⁰ 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. Besides sexual relations with female students, other problems publicly recognized include teachers’ drunkenness, sale of exam papers, bribery, and corruption. See Anthony Chungong, “South-West: Teachers Advised to Refrain From Sex with Students,” *Cameroon Tribune*, October 29, 2002.

⁸⁴¹ Ministère de l’Economie et des Finances, *Rapport Principal. Enquête à Indicateurs Multiples (MICS) au Cameroun 2000*, 26.

⁸⁴² Catholic Relief Services staff, interviews, August 6, 2002.

⁸⁴³ Because informal apprenticeship training is disorganized, an apprentice may learn little and spend long periods of time working without being released from apprenticeships. See Irene Morikang, “Apprentice, But For How Long?,” *Cameroon Tribune*, May 22, 2003.

⁸⁴⁴ Government of Cameroon, *Labour Code*, Law no. 92/007, (August 14, 1992), Part V, Chapter III, Section 86; available from <http://natlex.ilo.org/txt/E92CMR01.htm>. The penalty for infringing the law ranges from fines to imprisonment. The law also prohibits night work. See U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6d.

⁸⁴⁵ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6d.

⁸⁴⁶ *Cameroon Labor Code*, Part V, Ch. III, Section 86.

⁸⁴⁷ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6d.

⁸⁴⁸ *Cameroon Labor Code*, Part V, Chapter III, Section 87.

⁸⁴⁹ *Ibid.*, Part I, Section 2.

10 years and/or a fine.⁸⁵⁰ The Penal Code prohibits slavery and engaging in the trafficking of human beings and punishes these acts with prison terms of 10 to 20 years.⁸⁵¹ The Code also prohibits procuring, as well sharing in the profits from another person's prostitution.⁸⁵² The penalty includes fines and prison sentences of up to 5 years, which double if the crime involves a person less than 21 years of age.⁸⁵³

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.⁸⁵⁴ There are 58 labor inspectors in Cameroon who focus on the formal sector and also investigate child labor cases and conduct onsite visits.⁸⁵⁵ In July 2002 labor inspectors were trained on ILO Convention 182 and the worst forms of child labor.⁸⁵⁶

The Government of Cameroon ratified ILO Convention 138 on August 13, 2001 and ratified ILO Convention 182 on June 5, 2002.⁸⁵⁷

⁸⁵⁰ The Protection Project, "Human Rights Report on Trafficking in Persons, especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery," Article 293.

⁸⁵¹ Article 293 as cited in The Protection Project, *Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Cameroon*, January 2002.

⁸⁵² Article 292 as cited in Ibid.

⁸⁵³ The Protection Project, "Human Rights Report on Trafficking in Persons, especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery."

⁸⁵⁴ U.S. Department of State, *Country Reports- 2002: Cameroon*, Section 6d.

⁸⁵⁵ In 2002 it was reported that the number of onsite visits by labor inspectors to investigate illegal child labor had significantly increased. See U. S. Embassy-Yaounde, *unclassified telegram no. 1450*.

⁸⁵⁶ Ibid.

⁸⁵⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 22, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. For background and legal issues related to Cameroon's ratification of ILO Convention 182, see Zogo Awona Flavien, *Coopération Internationale. Ratification de la convention no. 182 sur les pires formes de travail des enfants*; available from <http://www.metps.gov.cm/pages/international/ratification.htm>.

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, implementation of legislation regarding underage workers remains inadequate.⁸⁵⁸ Education is central to the government's efforts in this area. From 1993 to 2000, the government concentrated its efforts on extending compulsory basic education, training teachers, and improving the curriculum.⁸⁵⁹ In July 2001, Cape Verde signed an MOU with the sponsors of Education for All.⁸⁶⁰ Under the MOU, the sponsors and the government prepared 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 2015.⁸⁶¹ The Ministry of Education and the WFP have agreed to renew collaboration through 2005 on efforts that support primary school feeding programs on the island.⁸⁶² 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.⁸⁶³ The government also supports radio and television programs to reach children of primary-school age with other educational opportunities.⁸⁶⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 13.4 percent of children ages 10 to 14 years in Cape Verde were working.⁸⁶⁵ 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 Verde wash cars, haul cargo, distribute newspapers, and engage in informal trade and petty crime.⁸⁶⁶ There are reports that street children are also being pulled into sale and consumption of illegal drugs. The sexual exploitation of children, particularly street children, occurs in Cape Verde, especially in urban areas.⁸⁶⁷ In 2003, the police arrested alleged traffickers and victims, and criminal cases remains in the courts. 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.⁸⁶⁸

⁸⁵⁸ 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, para. 23, 7.

⁸⁵⁹ Oxfam International, *Aid and Education: Shrinking Budget Poorly Spent*, [previously online] March 2000 [cited October 9, 2002]; available from <http://www.caa.org.au/oxfam/advocacy/education/aid/index.html> [hard copy on file].

⁸⁶⁰ The sponsors of EFA in Cape Verde include FAO, UNESCO, UNDP, UNICEF, UN Population Fund, the World Bank, and WHO. See *Cape Verde- Memorandum of Understanding between the Sponsors of Education for All and the Government of Cape Verde*, UNESCO, July 20, 2001 [cited August 25, 2003]; available from http://www.dakar.unesco.org/countries/news_docs_comnat/010816_en_capvert.shtml.

⁸⁶¹ Ibid.

⁸⁶² WFP, "Cape Verde: How Long Should Support Last?," in *Global School Feeding Report- 2002*, Rome, 2002, 44.

⁸⁶³ UNICEF, *Girls' Education in Cape Verde*, [online] [cited August 25, 2003]; available from http://www.unicef.org/programme/girlseducation/action/cases/cape_verde.htm.

⁸⁶⁴ U.S. Embassy- Praia, *unclassified telegram no. 0552*, July 31, 2003.

⁸⁶⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. The Ministry of Employment, Training and Social Integration estimates that 3.3 percent of children 5 to 13 years old, are engaged in paid or unpaid work either inside or outside the home. See Government of Cape Verde, *Cape Verde National Report on Follow Up to the World Summit for Children*, Annex 1.

⁸⁶⁶ U.S. Department of State official, E-mail to USDOL official, February 19, 2004.

⁸⁶⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Cape Verde*, 2003 [cited March 31, 2003], Section 5; 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: Cape Verde*, para. 193, 36.

⁸⁶⁸ U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 6f.

In 1994, the Government of Cape Verde made education compulsory until the age of 16 years.⁸⁶⁹ Education is free for 6 years of primary school.⁸⁷⁰ In 2002, the Ministry of Education reported that primary school attendance was 95.1 percent. There were no gender differences in school participation.⁸⁷¹ 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, which is the language of instruction. Also, insufficient funds are spent on school materials, lunches and books, and there is a high repetition rate for certain grades.⁸⁷²

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.⁸⁷³ 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.⁸⁷⁴ Cape Verde's Constitution states that children of compulsory schooling age are prohibited from working, and expressly forbids the exploitation of child labor.⁸⁷⁵ Forced and bonded child labor are prohibited by law.⁸⁷⁶ The Penal Code was recently revised to prohibit certain forms of child sexual exploitation.⁸⁷⁷ The trafficking of children for the purposes of prostitution is punishable by 12 to 16 years imprisonment.⁸⁷⁸

The Ministries of Justice and Labor enforce child labor laws, but enforcement is mostly in the urban areas rather than the rural parts of the country.⁸⁷⁹ The government has cooperated with European authorities and neighboring governments to address the issue of trafficking.⁸⁸⁰

The Government of Cape Verde has not ratified ILO Convention 138, but ratified ILO Convention 182 on October 23, 2001.⁸⁸¹

⁸⁶⁹ Ibid., Section 5.

⁸⁷⁰ Secondary education is free only for children whose families have an annual income below approximately 160,000 escudos (USD 1,578). See Ibid. For currency conversion see FXConverter, [online] [cited August 26, 2003]; available from <http://www.oanda.com/convert/classic>.

⁸⁷¹ U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 5.

⁸⁷² World Bank, *Cape Verde- Education and Training Consolidation and Modernization Project*, [online] April 30, 1999 [cited August 26, 2003], 4; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_99052608145863.

⁸⁷³ Embassy of the Republic of Cape Verde, letter to USDOL official, October 26, 2001. See also U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 6d. See also U.S. Embassy- Praia, *unclassified telegram no. 0552*.

⁸⁷⁴ Gregorio Semodo, letter to USDOL official, October 26, 2001.

⁸⁷⁵ *Constitution of the Republic of Cape Verde*, Article 87 (2) and (3), (1992), [cited August 26, 2003]; available from <http://oncampus.richmond.edu/~jjones//confinder/CapeVerde.htm>.

⁸⁷⁶ U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 6c.

⁸⁷⁷ According to Article 405 of the Civil Code, parents who incite, encourage or facilitate the prostitution of a minor can be imprisoned for 1 to 2 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 6 months to 2 years, while a person with no legal responsibility for the minor can be imprisoned for 3 months. See UN Committee on the Rights of the Child, *Consideration of Reports: Cape Verde*, 35-36.

⁸⁷⁸ Law No. 91/V/98, Article 406-D, as cited in The Protection Project, "Cape Verde," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, Washington, D.C., March 2002; available from <http://www.protectionproject.org/main1.htm>.

⁸⁷⁹ U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 6d. See also U.S. Embassy- Praia, *unclassified telegram no. 0552*.

⁸⁸⁰ U.S. Department of State, *Country Reports- 2002: Cape Verde*, Section 6f.

⁸⁸¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 eliminate the worst forms of child labor.⁸⁸² The government launched a study in 2000 on the problem. Although no final report has been released, initial findings indicate a need for training for government employees involved in labor issues such as child labor.⁸⁸³ The government has also created a commission to study the magnitude of trafficking in persons in the country.⁸⁸⁴ In August 2001, the government organized a 1-week sensitization campaign on the problem of sexual exploitation in preparation for the UN World Child Summit.⁸⁸⁵ In July 2002, the government ratified the African Union Charter on the Rights and Welfare of the Child. The government has also initiated a campaign, with assistance from UNICEF, to set up local committees to monitor and enforce children's rights in every district of the capital of Bangui.⁸⁸⁶

A community schools pilot program has been established in the country with assistance from UNICEF.⁸⁸⁷ In order to promote girls' education, primary schools were constructed in the southwest region of the country with assistance from UNICEF during 2003.⁸⁸⁸

In March 2003, the Government of the Central African Republic was overthrown in a coup and a new government was installed. The coup, the population displacement it caused, and a teachers' strike for non-payment of wages led to the closure of schools in certain regions of the country. In May, the new government provided free transportation back to affected regions to encourage teachers and students to return to school.⁸⁸⁹ The government, UNICEF, UNFPA, and the French cooperation program agency also have developed a plan of action to address the need for more complete birth registration.⁸⁹⁰ Such efforts are intended to improve children's access to education and other social services.⁸⁹¹

⁸⁸² U.S. Embassy- Bangui, *unclassified telegram no. 783*, October 3, 2001.

⁸⁸³ Ibid.

⁸⁸⁴ The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense are represented on the commission. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Central African Republic*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18174pf.htm>.

⁸⁸⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Central African Republic*, Washington, D.C., March 4, 2002, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8301.htm>.

⁸⁸⁶ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 5.

⁸⁸⁷ UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting: Central African Republic*, CRC/C/SR.658, February 2001, para. 31; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7c0595bc56c343b5c12569f500598d21?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7c0595bc56c343b5c12569f500598d21?Opendocument).

⁸⁸⁸ Integrated Regional Information Networks, "UNICEF Funding Schools Construction in the Southwest", IRINnews.org, [online], January 30, 2003 [cited June 18, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=32015>.

⁸⁸⁹ Integrated Regional Information Networks, "Teachers, Pupils to be Transported to Schools, Minister Says", IRINnews.org, [online], May 13, 2003 [cited June 18, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=34057>.

⁸⁹⁰ Integrated Regional Information Networks, "UNICEF says one-third of children not registered", IRINnews.org, [online], June 20, 2003 [cited June 23, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=34906>.

⁸⁹¹ Ibid.

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.⁸⁹² Children work throughout the country, especially in rural areas.⁸⁹³ Children work in agriculture, mining, and cattle raising.⁸⁹⁴ According to reports from an international agency, children also work alongside their families in the diamond fields.⁸⁹⁵ In some rural areas, children are required to engage in farming at schools. The proceeds from their work are used for school supplies and activities.⁸⁹⁶ Children are also engaged in domestic service and street vending.⁸⁹⁷ In 2002, there were approximately 3,000 street children in Bangui.⁸⁹⁸

Children are involved in prostitution in the Central African Republic.⁸⁹⁹ Trafficking of children to and from the country also occurs. Children are brought from Nigeria, Sudan and Chad to work as domestic servants, shop assistants and agricultural workers. These children do not receive payment for their work and are not enrolled in school.⁹⁰⁰ There are some reports of children being trafficked to Nigeria and other neighboring countries for work in agriculture.⁹⁰¹

Education is compulsory from ages 6 to 14.⁹⁰² However, students must pay for their own books, supplies, transportation, and insurance.⁹⁰³ In 2000, the gross primary enrollment rate was 75.0 percent, and the net primary enrollment rate was 54.7 percent.⁹⁰⁴ In 2000, the net primary attendance rate was 38.3 percent.⁹⁰⁵ Primary enrollment and attendance rates are higher for boys than girls,⁹⁰⁶ and higher for children living in urban areas than

⁸⁹² Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 6 hours of housekeeping chores in the household, or who have performed other family work. Government of the Central African Republic, *Enquête a Indicateurs Multiples en Republique Centrafricaine (MICS): Rapport Préliminaire*, UNICEF, Bangui, December 2000, 31.

⁸⁹³ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6d.

⁸⁹⁴ U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁸⁹⁵ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6d.

⁸⁹⁶ *Ibid.*

⁸⁹⁷ U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁸⁹⁸ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 5.

⁸⁹⁹ *Ibid.*, Section 6f. See also UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, para. 28.

⁹⁰⁰ The victims of trafficking in the CAR are generally children. U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6f.

⁹⁰¹ *Ibid.*

⁹⁰² *Ibid.*, Section 5.

⁹⁰³ U.S. Embassy- Bangui, *unclassified telegram no. 783*.

⁹⁰⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁹⁰⁵ Government of the Central African Republic, *Enquete a Indicateurs Multiples en Republique Centrafricaine*, 10-11.

⁹⁰⁶ In 2000, the gross primary enrollment rate was 88.9 percent for males, and 61.2 percent for females. That same year, the net primary enrollment rate was 64.3 percent for males, and 45.0 percent for females. See World Bank, *World Development Indicators 2003*. While boys have only slightly higher attendance rates than girls in urban areas, the net primary attendance rate in rural areas is 33.5 percent for boys and 23.8 percent for girls. See Government of the Central African Republic, *Enquete a Indicateurs Multiples en Republique Centrafricaine*, 11. Factors that limit girls' access to schooling include pressure to marry and tradition. See U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 5. See also Integrated Regional Information Networks, "UNICEF Funding Schools Construction".

in rural areas.⁹⁰⁷ Many reports indicate that male teachers pressure female students into sex to receive good grades.⁹⁰⁸ Recurring financial problems in the education system⁹⁰⁹ as well as the 2003 coup have led to the closure of many of the country's schools.⁹¹⁰

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.⁹¹¹ Children under 18 are forbidden to perform hazardous work or to work at night.⁹¹² The Labor Code prohibits forced labor.⁹¹³ A lack of resources and insufficient labor inspection staff contribute to inadequate enforcement of laws relating to child labor.⁹¹⁴

Although prostitution is legal in the Central African Republic, Article 198 of the Criminal Code prohibits publicly soliciting persons to engage in debauchery. 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 involving a minor.⁹¹⁵ Minor's brigades have been established to punish persons responsible for forcing children into prostitution. However, few cases were prosecuted due to the reluctance of victims' families to press charges.⁹¹⁶ The law does not specifically prohibit trafficking. Traffickers can be prosecuted, however, under anti-slavery laws, mandatory school age laws, prostitution laws, and the labor code.⁹¹⁷ The government does not actively investigate trafficking cases.⁹¹⁸

The Central African Republic ratified ILO Convention No. 138 and ILO Convention No. 182 on June 28, 2000.⁹¹⁹

⁹⁰⁷ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 5. The net primary attendance rate is 53.5 percent in urban areas as opposed to 28.8 percent in rural areas. See Government of the Central African Republic, *Enquete a Indicateurs Multiples en Republique Centrafricaine*, 11.

⁹⁰⁸ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 5.

⁹⁰⁹ Ibid.

⁹¹⁰ Integrated Regional Information Networks, "Teachers, Pupils to be Transported to Schools". HIV/AIDS-related deaths among teachers have also been a contributing factor to school closures. See Integrated Regional Information Networks, "HIV/AIDS leading cause of death for teachers", IRINnews.org, September 5, 2001; available from <http://www.irinnews.org/print.asp?ReportID=11236>.

⁹¹¹ U.S. Embassy- Bangui, *unclassified telegram no. 783*. See also NATLEX, *Central African Republic*, ILO, [database online] 2003 [cited June 24, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁹¹² U.S. Embassy- Bangui, *unclassified telegram no. 783*. See also NATLEX, *Central African Republic*.

⁹¹³ The prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. See U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6c.

⁹¹⁴ U.S. Embassy- Bangui, *unclassified telegram no. 783*. See also U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6d.

⁹¹⁵ The Protection Project, "Central African Republic," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, Washington, D.C., March 2002; available from <http://www.protectionproject.org/main1.htm>.

⁹¹⁶ UN Convention on the Rights of the Child, *Summary Record of the 658th Meeting*, para. 28.

⁹¹⁷ U.S. Department of State, *Country Reports- 2002: Central African Republic*, Section 6f.

⁹¹⁸ Ibid.

⁹¹⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 24, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Chad and UNICEF are collaborating on a campaign against the worst forms of child labor in Chad.⁹²⁰ In 2003, the government and UNICEF continued a series of workshops, seminars, and radio broadcasts to raise awareness of child labor issues.⁹²¹ 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.⁹²² In 1997, a mediation body was created in the office of the Prime Minister to prevent the use of child soldiers by the opposition forces.⁹²³ The Chadian Ministry of Justice has established programs to demobilize child soldiers and reintegrate them in civilian life.⁹²⁴

In April 2003, UNICEF trained representatives from over 35 NGOs to work with herders, parents, and schools to ensure that these children have access to free education.⁹²⁵ UNICEF has also 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 workload for girls, and providing grants that offset schooling costs for families.⁹²⁶ In March 2003, the World Bank also approved a loan to fund Chad's Education Sector Reform Project.⁹²⁷ The project's main objectives for improving basic education are to promote gender and geographic equity; empower communities to repair school infrastructure; enhance quality of teaching and the educational environment; and create programs for literacy, early childhood development, school health and nutrition, non-formal education, bilingual education, and interactive radio instruction.⁹²⁸

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.⁹²⁹ In southern Chad, children are contracted to nomadic herders to tend animals. These children are often abused and

⁹²⁰ As part of this project, a baseline study was conducted, and various materials, including pamphlets, were produced to raise awareness of the problem of child herders. See U.S. Embassy– N'Djamena, *unclassified telegram no. 1795*, November 2001.

⁹²¹ U.S. Embassy – N'djamena, electronic communication to USDOL official, February 13, 2004.

⁹²² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Chad*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18175.htm>.

⁹²³ Coalition to Stop the Use of Child Soldiers, "Chad," in *Child Soldiers Global Report*, London, 2001; available from <http://www.child-soldiers.org/report2001/countries/chad.html>. The UN 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 armed conflict. See 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: Chad*, CRC/C/15/Add.107, United Nations, Geneva, August 1999, para. 35; 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).

⁹²⁴ Coalition to Stop the Use of Child Soldiers, "Child Soldiers– Chad," 1.

⁹²⁵ U.S. Embassy–N'Djamena, *unclassified telegram no. 1398*, August 13, 2003.

⁹²⁶ UNICEF, *Girls' Education in Chad*, [online] [cited August 18, 2003]; available from <http://www.unicef.org/girlseducation/Chadfinal.pdf>.

⁹²⁷ World Bank, *Education Sector Reform Project*, August 8, 2003 [cited August 14, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P000527>.

⁹²⁸ Ibid.

⁹²⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 4 hours of housekeeping chores in the household, or who have performed other family work. See Government of the Republic of Chad, *Enquete par grappes a indicateurs multiples, Rapport complet*, UNICEF, N'Djaména, 2001; available from http://www.childinfo.org/MICS2/natlMICSrepz/Chad/Chad_MICS_Report.pdf. In 2001, the ILO estimated that approximately 36.3 percent of children between ages 10 and 14 in Chad were working. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

provided little monetary compensation for their work.⁹³⁰ Children also work for little compensation as domestic servants in the households of relatives.⁹³¹ In cities, some children work in petty commerce.⁹³² Some families arrange marriages for daughters as young as 12 or 13 years. Once married, many of these girls are obligated to work long hours in the fields or in the home for their husbands.⁹³³ There are allegations that, in isolated instances, local authorities force children to work in the rural sector.⁹³⁴ Other reports indicate that some children are trafficked for forced labor.⁹³⁵

Despite periodic demobilizations of underage soldiers, there are reports that children continue to work in military installations in the north. Children under 13 years old from the Zaghawa ethnic group have been forcibly recruited into the army. UNICEF estimates 600 child soldiers to be in the country, despite the fact that the practice is prohibited by law.⁹³⁶

Articles 35–38 of the Constitution of March 31, 1996 declare that all citizens are entitled to free non-religious education and training.⁹³⁷ However, parents still make considerable contributions toward school costs.⁹³⁸ Education is compulsory for children starting at the age of 6 years for a period of nine years.⁹³⁹ In 2000, the gross primary enrollment rate was 73.2 percent, and the net primary enrollment rate was 58.2 percent.⁹⁴⁰ Educational opportunities for girls are limited, mainly because of tradition, and girls tend not to attend as many years of school as boys.⁹⁴¹ In 1996–1997, the gross primary school attendance rate was 54.9 percent, and the net primary attendance rate was 30.2 percent.⁹⁴² In 2003, 54.0 percent of the population reached grade five.

⁹³⁰ U.S. Department of State, *Country Reports- 2002: Chad*, Section 6d.

⁹³¹ Ibid. See also U.S. Embassy- N'Djamena, *unclassified telegram no. 1982*, May 1997.

⁹³² U.S. Department of State, *Country Reports- 2002: Chad*, Section 6d.

⁹³³ Ibid., Sections 5 and 6c. See also U.S. Embassy- N'Djamena, *unclassified telegram no. 1982*.

⁹³⁴ U.S. Department of State, *Country Reports- 2002: Chad*, Section 6c.

⁹³⁵ Ibid., Section 6f.

⁹³⁶ Their responsibilities include detecting landmines on the frontlines. 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 a substitute. The Ministry of Justice has also reported that the opposition has recruited child soldiers by force. Coalition to Stop the Use of Child Soldiers, “Child Soldiers- Chad.” See also U.S. Department of State, *Country Reports- 2002: Chad*, Section 6c.

⁹³⁷ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Chad*, CRC/C/3/Add.50, prepared by Government of the Republic of Chad, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, para.42, 155; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.50.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.50.En?OpenDocument).

⁹³⁸ U.S. Department of State, *Country Reports- 2002: Chad*. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, Section 5.

⁹³⁹ The Government of Chad has not enforced compulsory education. The Constitution does not indicate until what age education is compulsory. The UN Convention on the Rights of the Child states that education is compulsory from age six for 9 years. UNESCO notes that education is compulsory from ages 6 to 12 years. See UNESCO, *National Education Systems*, [online database] [cited August 13, 2003]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html. See also U.S. Department of State, *Country Reports- 2002: Chad*, Section 5. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para.42.

⁹⁴⁰ World Bank, *World Development Indicators 2003*.

⁹⁴¹ U.S. Department of State, *Country Reports- 2002: Chad*, Section 5.

⁹⁴² From 1996 to 1997, the gross primary attendance rate remained much higher for boys than for girls; 72.3 percent for boys and 38.1 percent for girls. The net attendance rate was 36.6 percent for boys and 24 percent for girls. See World Bank, *World Development Indicators 2003*.

Child Labor Laws and Enforcement

The Labor Code set the minimum age for employment in Chad at 14 years.⁹⁴³ According to a 1969 government decree, individuals must be 18 years or older to perform hazardous work. Also, children younger than 18 years are prohibited from working at night.⁹⁴⁴ The Penal Code protects children from sexual exploitation,⁹⁴⁵ and from procurement for the purposes of prostitution.⁹⁴⁶ The trafficking and prostitution of children can result in a fine and imprisonment from 2 to 5 years.⁹⁴⁷ The Constitution and the Labor Code prohibit forced and bonded labor.⁹⁴⁸ The Labor Inspection unit of the Ministry of Labor and Public Affairs is responsible for enforcing child labor laws.⁹⁴⁹

Chad ratified ILO Convention 182 on November 6, 2000, but has not ratified ILO Convention 138.⁹⁵⁰

⁹⁴³ A 1996 amendment to the Labor Code changed the minimum working age from 12 to 14 years. See U.S. Embassy-N'Djamena, *unclassified cable 1398*. See also U.S. Department of State, *Country Reports- 2002: Chad*, Section 6d.

⁹⁴⁴ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 197. See also “Code du Travail,” *Livre III, Titre I, Chapitre II*, Law no 38/PR/96, (December 11, 1996); available from <http://natlex.ilo.org/txt/F96TCD01.htm>. The minimum age for dangerous work is set at 18 years under Decree No. 55/PR.MTJS/DTMOPS. See UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 197.

⁹⁴⁵ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Chad*, para. 200. Chad has specific laws, such as Ordinance No. 27/PR/68, that prohibit the production and distribution of child pornography. See The Protection Project, “Chad,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://www.protectionproject.org/main1.htm>.

⁹⁴⁶ *Criminal Code of Chad*, as cited in The Protection Project Legal Library, [database online], Articles 279–82; available from <http://209.190.246.239/protectionproject/statutesPDF/CHAD.pdf>. See also ECPAT International, *Chad*, in ECPAT International, [database online] 2002 [cited August 19, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁹⁴⁷ *Criminal Code*, Articles 279–80.

⁹⁴⁸ U.S. Department of State, *Country Reports- 2002: Chad*, Section 6c.

⁹⁴⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, *CEACR: Individual Observation concerning Convention No. 81, Labour Inspection, 1947 Chad (Ratification: 1965)*, Geneva, August 19, 2002; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. The Labor Inspection Office claims that it investigates 10 to 15 child labor allegations per year; however, because of the complex nature of mechanisms for investigating, these statistics are not reliable. See U.S. Embassy- N'Djamena, *unclassified telegram no. 1795*.

⁹⁵⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Chile has been a member of ILO-IPEC since 1996.⁹⁵¹ That same year, the government established the National Committee for the Eradication and Prevention of Child Labor with support from ILO-IPEC.⁹⁵² Since the late 1990s, the Government of Chile has conducted sectoral and regional child labor surveys, participated in child labor seminars, and supported a project to mobilize teachers against child labor with assistance from ILO-IPEC.⁹⁵³ In 2001, the Committee developed a National Plan to Prevent and Eradicate Child and Teenage Labor⁹⁵⁴ with five focus areas: awareness-raising, data collection, promotion of legislative reform in compliance with ILO conventions, development of age-specific targeted intervention programs, and ongoing monitoring and evaluation.⁹⁵⁵ In addition, the Government of Chile, along with ILO-IPEC and the other MERCOSUR governments, has developed a 2002-2004 regional plan to combat child labor.⁹⁵⁶

In 2002, a 2-year ILO-IPEC project was initiated in Chile to combat the commercial sexual exploitation of children. The government has conducted an awareness-raising campaign as part of this project.⁹⁵⁷ Reportedly, Chilean police and social workers make efforts to identify and place child prostitutes in juvenile homes.⁹⁵⁸ Another ILO-IPEC project was started in 2002 to gather information on child labor, which consists of child labor surveys and studies and the establishment of a national register on the worst forms of child labor.⁹⁵⁹ Government agencies such as the National Minors Service (SENAME), the Ministry of Labor, and the police have developed a list of the worst forms of child labor and are contributing information on reports of such child labor to the shared register. SENAME is responsible for following up on these reports.⁹⁶⁰

The government operates various programs to encourage school attendance. It has established a family income support program (Subsidio Unico Familiar) in which poor families receive direct money transfers if they can

⁹⁵¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 25, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁹⁵² ILO-IPEC, *Ficha País: Chile*, Lima, 2003; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichachile.doc>. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile and its Laws Governing Exploitative Child Labor*, Santiago, March 2003, 16. This Committee is coordinated by the Ministry of Labor and includes UNICEF, ILO, NGOs, business leaders, legislators, the police, labor unions, churches, and other public and private entities. See U.S. Embassy- Santiago, *unclassified telegram no. 2756*, October 2001.

⁹⁵³ ILO-IPEC, *Ficha País: Chile*.

⁹⁵⁴ Ambassador of Chile to the United States Andrés Bianchi, facsimile communication to USDOL official in response to request for information, September 6, 2002.

⁹⁵⁵ ILO-IPEC, *Ficha País: Chile*. See also 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; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/planchi.doc>.

⁹⁵⁶ 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); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

⁹⁵⁷ ILO-IPEC, *Ficha País: Chile*.

⁹⁵⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Chile*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18324pf.htm>. The ILO-IPEC project is funded by the Government of Canada. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002.

⁹⁵⁹ ILO-IPEC, *Ficha País: Chile*.

⁹⁶⁰ Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 16, 20-24.

demonstrate, among other requirements, that family members ages 6 to 18 are registered in school. The government also funds scholarship and school meal programs.⁹⁶¹ From 2001 to 2003, there has been an increase in the number of schools covered by the Program of 900 Schools (P-900), which provides funding for teaching assistants for a number of basic education classrooms.⁹⁶² Approximately 55 percent of the country's schools have implemented the Full School Day Reform, which was adopted in 1996 and extended the school day, provided a new curriculum framework, implemented incentives for teacher professionalism, and initiated a network to model and disseminate innovative teaching, learning, and managerial practices at the secondary level.⁹⁶³

The government's Rural Basic Education Program provides additional funding for targeted programs to enhance teacher training, promote quality curriculum, and increase family involvement in schooling in rural areas.⁹⁶⁴ The government also received a loan in 2001 from the IDB to fund various projects involving indigenous communities in Chile, including an effort to support bilingual intercultural education for indigenous children.⁹⁶⁵

The Chilean government recently established the "Chile in Solidarity" program, in which several government agencies participate to coordinate the provision of benefits for very poor families.⁹⁶⁶ One of the goals is to provide income and other support for families with children at risk of dropping out of school and working.⁹⁶⁷

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.⁹⁶⁸ Children who work are active in the following sectors: agriculture,⁹⁶⁹ ranching, shepherding, meat and shellfish processing, fishing, bagging groceries in supermarkets, domestic service, and street sales.⁹⁷⁰ Most of these activities are carried

⁹⁶¹ Andrés Bianchi, facsimile communication, September 6, 2002.

⁹⁶² 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>.

⁹⁶³ Initially, all schools were expected to implement the reform by 2005, but the government has indicated that this target may not be reached. Efforts are being concentrated in regions with few resources. See Government of Chile, *no title*, 2003, Roberto Araos, electronic communication in response to request for information to USDOL official, May 27, 2003. See also Francoise Delannoy, "Education Reforms in Chile, 1980-1998: A Lesson in Pragmatism," *The Education Reform and Management Publication Series* 1, no. 1 (June 2000), 26-27.

⁹⁶⁴ Ministry of Education, *Educación Básica*, [online] 2003 [cited October 20, 2003]; available from <http://www.mineduc.cl/basica/index.htm>. See also Ministry of Education, *Objetivos del Programa de Educación Rural*, Government of Chile, [online] 2002 [cited June 25, 2003]; available from <http://www.mineduc.cl/basica/rural/N2002052417080024790.html>.

⁹⁶⁵ IDB, *Integral Development Program for Indigenous Communities: Executive Summary*, Washington, DC, 2001, 2; available from <http://www.iadb.org/EXR/doc98/apr/ch1311e.pdf>. See also UN Committee on the Rights of the Child, *Summary Record of the 764th Meeting*, CRC/C/SR.764, Geneva, September 25, 2003, 7.

⁹⁶⁶ Government of Chile, *no title*, Araos, electronic communication.

⁹⁶⁷ UNICEF, *En Seminario Sobre Deserción: Factores Asociados al Abandono Escolar*, [online] June 14, 2002 [cited August 11, 2003]; available from http://www.unicef.cl/noticias/seminario_desercion.htm.

⁹⁶⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to a government household survey, 4 percent (64,954) of children between the ages of 12 and 17 were working in 2000. See Ricardo Solarí Saavedra, "La Erradicación del Trabajo Infantil en Chile: Caracterización, Acciones del Gobierno y Lineamientos a Futuro," *Observatorio Laboral on Line* (July 11, 2002); available from <http://www.mintrab.gob.cl/>.

⁹⁶⁹ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁷⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto: Acción Contra el Trabajo Infantil a Través de la Educación y la Motivación*, Sistema de Información Regional sobre Trabajo Infantil, Lima; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/documentos/colegioprof.pdf>.

out by children employed in the informal economy.⁹⁷¹ Children are also involved in the sale of drugs⁹⁷² and prostitution.⁹⁷³ The Government of Chile and other sources have estimated that the number of child prostitutes under the age of 18 in 1999 ranged from 3,500 to 10,000.⁹⁷⁴

In 2003, the Government of Chile changed the length of free and compulsory education from 8 to 12 years⁹⁷⁵ and committed funding to support the initiative and encourage school attendance among the poor.⁹⁷⁶ In 2000, the gross primary enrollment rate was 102.7 percent and the net primary enrollment rate was 88.8 percent.⁹⁷⁷ In 2000, a government household survey estimated that 1 percent of Chilean children between 7 and 13 did not attend school.⁹⁷⁸ The country's rural population completes less schooling than the country's urban population.⁹⁷⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.⁹⁸⁰ Children ages 15 to 18 years may work with express permission of parents or guardians and they must attend school; children age 15 may only perform light work that will not affect their health or development.⁹⁸¹ Children under age 18 are prohibited from working underground, in nightclubs or similar establishments in which alcohol is consumed, or in activities that endanger their health, safety or morality. They are also not permitted to work more than 8 hours, or to work at night between the hours of 10 p.m. and 7 a.m. (outside a family business).⁹⁸² The Constitution and the Labor Code prohibit forced labor,⁹⁸³ and the prostitution of children and corruption of minors are prohibited under the Penal

⁹⁷¹ U.S. Embassy Chile official, electronic communication to USDOL official, March 19, 2003.

⁹⁷² ILO-IPEC Regional Office for Latin America and the Caribbean, *Sistematización del Proyecto*.

⁹⁷³ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6f.

⁹⁷⁴ The Government of Chile stated 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; available from <http://www.tercera.cl/>. 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- 2002: Chile*, Section 6f. There is limited information on other forms of commercial sexual exploitation of children in Chile.

⁹⁷⁵ Ricardo Lagos, *Intervención de S.E. Presidente del Republica En Promulgación del Reforma Constitucional que establece 12 años de escolaridad obligatoria*, Valparaíso, May 7, 2003; available from http://www.mineduc.cl/destacados_web/escolaridad12/Intervenci%F3nPresidente.doc. See also U.S. Embassy Chile official, electronic communication.

⁹⁷⁶ Ministry of Education, *12 Años de Escolaridad Obligatoria y Gratuita para Todos los Chilenos y Chilenas: Hito Sin Precedentes en América Latina*, 2003; available from http://www.mineduc.cl/destacados_web/escolaridad12/index.htm.

⁹⁷⁷ World Bank, *World Development Indicators 2003*.

⁹⁷⁸ Ministry of Planning and Cooperation, *Situación de la Educación en Chile 2000: Informe Ejecutivo*, July 2001, 10; available from <http://www.mideplan.cl/sitio/Sitio/estudios/documentos/informeeducacion2000.pdf>.

⁹⁷⁹ 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; 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*, CRC/C/114, United Nations, Geneva, May 14, 2002, 101.

⁹⁸⁰ Children under the age of 15 may work in theatrical productions with the proper legal authorization. See Government of Chile, *Código del Trabajo, as amended in 2000*, Ley 19684, (1994), Article 13. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 8.

⁹⁸¹ *Código del Trabajo*, Article 13. See also U.S. Embassy Chile official, electronic communication, to USDOL official, February 12, 2004.

⁹⁸² Boys between the ages of 16 and 18 are excepted from this regulation in certain industries. *Código del Trabajo*, Articles 13-15, 18. See also Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 8.

⁹⁸³ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6c.

Code.⁹⁸⁴ Prostitution, however, is legal in Chile and the age of consent for sexual relations is 14 years. As such, Chilean law provides for no legal penalties for adults who engage in commercial or non-commercial sex with children ages 14 to 18.⁹⁸⁵ Although there is no specific prohibition of child pornography, the Penal Code contains a prohibition against the sale, distribution and exhibition of pornography.⁹⁸⁶ The trafficking of children for prostitution is also prohibited under the Penal Code.⁹⁸⁷

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.⁹⁸⁸ While child labor inspections are infrequent, and usually initiated only after a specific complaint,⁹⁸⁹ overall compliance is good in the formal economy.⁹⁹⁰ In 2002, the Ministry of Labor found less than 1 percent of employers to be out of compliance with child labor laws.⁹⁹¹ Child labor is a problem, however, in the informal economy.⁹⁹² In 2002, the UN Committee on the Rights of the Child reported that cases of commercial sexual exploitation of children often are not investigated and prosecuted and victim assistance services are lacking.⁹⁹³

The Government of Chile ratified ILO Convention 138 on February 1, 1999 and ILO Convention 182 on July 17, 2000.⁹⁹⁴

⁹⁸⁴ Chilean Penal Code, Articles 367, as found in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Chile*, [database online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaChile.asp>.

⁹⁸⁵ U.S. Department of State: Bureau of Economic and Business Affairs, electronic correspondence to USDOL official, May 28, 2003. See also U.S. Embassy Chile official, electronic communication, February 12, 2004.

⁹⁸⁶ Chilean Penal Code Article 374, as found in Interpol, *Legislation of Interpol Member States*.

⁹⁸⁷ Chilean Penal Code, Article 367 BIS, as found in Ibid.

⁹⁸⁸ U.S. Embassy- Santiago, *unclassified telegram no. 2756*.

⁹⁸⁹ Ibid.

⁹⁹⁰ U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁹¹ These infractions were discovered during approximately 189,000 inspections conducted by the Labor Ministry in 2002. See Chilean Ministry of Labor, *Report on Labor Rights in Chile*, 9-10.

⁹⁹² U.S. Department of State, *Country Reports- 2002: Chile*, Section 6d.

⁹⁹³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Chile*, CRC/C/15/Add. 173, United Nations, Geneva, April 3, 2002, 13; available from <http://www.unhcr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>.

⁹⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Colombia became an associated member of ILO-IPEC in 1997⁹⁹⁵ and has been a member since 2002.⁹⁹⁶ Prior to joining ILO-IPEC, the government established the National Commission for the Eradication of Child Labor in 1995,⁹⁹⁷ and in 1996, the government developed its first National Action Plan for the Elimination of Child Labor and Protection of Working Minors.⁹⁹⁸ In 2000, a second national action plan on child labor was developed,⁹⁹⁹ and in 2002, child labor was included in the government's 4-year national development plan.¹⁰⁰⁰ In 2003, the government implemented a reform of its labor laws that rewards businesses who employ workers over the age of 16 years.¹⁰⁰¹

The government is participating in an ILO-IPEC regional project funded by USDOL to prevent and eliminate the involvement of children in domestic labor.¹⁰⁰² Colombia is also participating in an USDOL-funded ILO-IPEC project to prevent and eliminate child labor in small-scale mining.¹⁰⁰³ Federal and state government agencies in Colombia have also worked with ILO-IPEC to implement projects for working children involved in commercial sexual exploitation, agriculture, and urban work.¹⁰⁰⁴ In early 2003, the government published data on child labor that it had collected with technical assistance from ILO-IPEC's SIMPOC.¹⁰⁰⁵

⁹⁹⁵ This status allowed for the initiation of projects in the country. See ILO-IPEC, *Ficha País: Colombia*, Lima, 2003; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fichacolombia.doc>.

⁹⁹⁶ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, October 2002, 16.

⁹⁹⁷ 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.

⁹⁹⁸ ILO-IPEC, *Ficha País: Colombia*.

⁹⁹⁹ The objectives of the plan include consolidation of a national child labor information system; development of cultural attitudes against child labor; legislative and public policy reform; and withdrawal of children engaged in the worst forms of child labor. See Inter-Institutional Committee for the Eradication 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; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/plancol0002.doc>.

¹⁰⁰⁰ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Geneva, February 24, 2003, Section II B.

¹⁰⁰¹ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*, August 19, 2003.

¹⁰⁰² This 3-year project was funded in 2000, and is also being implemented in Brazil, Paraguay, and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. In April 2002, the project was extended until March 2004. See also ILO-IPEC, *Modification Number 1: Prevention and Elimination of Child Domestic Labor in South America*, Geneva, April 2002.

¹⁰⁰³ This 2-year project was funded in 2001. See ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 20. The government has participated in trainings on child labor in the mining sector under this project. See ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Section 4.

¹⁰⁰⁴ ILO-IPEC, *Domestic Labor in South America*, project document, 6. See ILO-IPEC, "Comunidad de Madrid (España) apoya proyecto de Erradicación de la Explotación Sexual Infantil en Barranquilla, Colombia," *Encuentros* 1 no. 2 (December 2001); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/boletin/numero2/Boletindos/notipec.html>. The Government of Spain has also provided funding for an ILO-IPEC project to strengthen national coordination. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002.

¹⁰⁰⁵ See ILO-IPEC official, electronic communication to USDOL official, May 12, 2003. See also National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, Bogotá, November 2001, 7-8.

Since 1994, the Colombian Institute for Family Welfare (ICBF) has conducted programs to assist child soldiers involved in the country's ongoing armed conflict.¹⁰⁰⁶ With support from USAID, IOM has worked with ICBF since 2001 on transition and reintegration services for demobilized children. The government provides necessary furniture and equipment to support transitional homes for such children and conducts ongoing evaluation and monitoring of the services. IOM has also worked with the government's public defenders office to develop legal norms for treatment of child ex-combatants.¹⁰⁰⁷ The Colombian Ministry of Interior likewise operates a program that finds housing for and provides grants and training to demobilized child combatants.¹⁰⁰⁸ The Government of Colombia recently began participating in a 3-year inter-regional ILO-IPEC project funded by USDOL in 2003 that aims to prevent and reintegrate children involved in armed conflict.¹⁰⁰⁹

The Ministry of Education has extended the school day to discourage children from working and has carried out education programs for children who have abandoned schooling.¹⁰¹⁰ In 2002, the World Bank provided a 1-year loan to Colombia to strengthen social safety nets, which included an initiative to strengthen the capacity of ICBF's child programs and to support the country's Education for All efforts.¹⁰¹¹ In 2001, the Bank provided a 3-year loan to support government programs that provide scholarships and cash grants for education to poor families.¹⁰¹² In 2000, the World Bank awarded a 4-year loan to the government to improve the quality of and access to education in the country's rural areas.¹⁰¹³ In 1999, the IDB approved financing for the Ministry of Education to initiate education reforms, including initiatives to ensure children are offered a full cycle of basic education.¹⁰¹⁴ In 2000, the IDB provided a 3-year loan to the Government of Colombia to strengthen social safety nets, including a component to provide assistance to families with children to increase school attendance and reduce primary and secondary dropout rates.¹⁰¹⁵

¹⁰⁰⁶ IOM, *Programa de Atención a Niños, Niñas y Jovenes Desvinculados del Conflicto Armado*, [online] 2002 [cited June 20, 2003]; available from <http://www.oim.org.co/scripts/programas2.php?idart=25&categ=14&categn=Asistencia%20a%20poblaciones%20desarraigadas>. In 2001, the Colombian government reported that spending on children affected by the country's armed conflict, including former child soldiers, was 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, para. 37; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/1d70ca35b83c823ac12569f800397e64?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1d70ca35b83c823ac12569f800397e64?OpenDocument).

¹⁰⁰⁷ IOM, *Programa de Atención a Niños, Niñas y Jovenes Desvinculados*.

¹⁰⁰⁸ Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, September 2003, 113.

¹⁰⁰⁹ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹⁰¹⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰¹¹ World Bank, *Colombia: Social Sector Adjustment Loan Project*, [online] [cited June 27, 2003]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcnt=details&cid=000094946_02071304010449.

¹⁰¹² World Bank, *Human Capital Protection Project*, [online] August 12, 2002 [cited June 27, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P069964>.

¹⁰¹³ World Bank, *Rural Education Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050578>.

¹⁰¹⁴ The goal of the project is to strengthen decentralized school management and ensure efficient and equitable distribution of resources to schools. See Inter-American Development Bank, *New School System Program: Reform of Education Management and Participation*, IADB, Washington, September 1999; available from <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

¹⁰¹⁵ Inter-American Development Bank, *Social Safety Net Program*, IADB, Washington, November 2000; available from <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

Incidence and Nature of Child Labor

In 2001, the National Administrative Department of Statistics estimated that 14.5 percent of children ages 5 to 17 were working.¹⁰¹⁶ The vast majority of these children were in agriculture, commerce, industry and services.¹⁰¹⁷ In rural areas, most working children participate in uncompensated family agricultural and mining activities.¹⁰¹⁸ Children also work in all aspects of the cut flower industry.¹⁰¹⁹ In 2001, the National Administrative Department of Statistics estimated that there were 20,000 children working in coca picking and other aspects of the drug trade.¹⁰²⁰ In urban areas, children work in the retail and services sectors, and in activities such as street vending and waiting tables.¹⁰²¹

Children are involved in commercial sexual exploitation in Colombia. ICBF estimates that more than 10,000 girls and nearly 1,000 boys in the capital of Bogotá are working as prostitutes.¹⁰²² Colombia is a major source country for girls who are trafficked abroad, primarily for sexual exploitation.¹⁰²³ Children are also trafficked internally in the country for sexual exploitation and forced conscription into armed groups.¹⁰²⁴ Children are forcibly recruited by guerrilla and paramilitary groups in Colombia to serve as combatants,¹⁰²⁵ messengers, spies, and sexual partners, and to carry out such tasks as kidnapping and guarding of hostages and transporting and placing bombs.¹⁰²⁶

The Constitution requires children ages 5 to 15 to attend school, and education is free in state institutions.¹⁰²⁷ In 2000, the gross primary enrollment rate was 112.4 percent, and the net primary enrollment rate was 88.5 percent.¹⁰²⁸ That same year, the gross primary attendance rate was 139.5 percent, and the net primary attendance rate was 92.8 percent.¹⁰²⁹ While basic education enrollment improved over the 1990s, many children in rural and low-income populations in Colombia face obstacles to schooling access.¹⁰³⁰

¹⁰¹⁶ This figure includes children working outside the home in the productive sector of the economy. It does not measure work in activities in the household, regardless of the amount of time devoted to such activities. See National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, 30, 52-54.

¹⁰¹⁷ *Ibid.*, 55.

¹⁰¹⁸ ILO-IPEC, *Small Scale Mining-Colombia*, project document, 7.

¹⁰¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Colombia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18325pf.htm>. See also U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

¹⁰²⁰ Colombian Ombudsman's Office, *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001*, 2001, 26.

¹⁰²¹ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

¹⁰²² U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6f. The government estimates that 25,000 children in total in Colombia are engaged in some form of commercial sexual exploitation. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰²³ U.S. Department of State, *Trafficking in Persons Report- 2003: Colombia*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. See also IOM, "New IOM Figures on the Global Scale of Trafficking," *Trafficking in Migrants* No. 23 (April 2001); available from http://www.iom.int//DOCUMENTS/PUBLICATION/EN/tm_23.pdf.

¹⁰²⁴ Although estimates of the number of children trafficked for conscription into armed groups are not available, in 2002, the government estimated that 12,000 to 15,000 children were members of guerrilla and paramilitary groups. Most of these children were members of the Revolutionary Armed Forces of Colombia (FARC). See U.S. Department of State, *Country Reports- 2002: Colombia*, Section 5 and 6f.

¹⁰²⁵ *Ibid.*, Section 6c. The government estimated that in 2002, approximately 6,000 children served as soldiers in illegal armed groups. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰²⁶ Coalition to Stop the Use of Child Soldiers, "Colombia," in *Global Report 2001*, London, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

¹⁰²⁷ *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), Article 67; available from <http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html>.

¹⁰²⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁰²⁹ USAID, *Development Household Survey*, 2000.

¹⁰³⁰ 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, Section 5.2.2; available from <http://www2.unesco.org/wef/countryreports/colombia/contents.html>.

Child Labor Laws and Enforcement

The 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.¹⁰³¹ Article 44 of the Constitution calls for the protection of children against all forms of economic exploitation, exploitation in employment, and hazardous work.¹⁰³² The Constitution also prohibits forced labor.¹⁰³³ The Penal Code prohibits inducing or compelling children to engage in prostitution and prohibits the production and distribution of pornography.¹⁰³⁴ In 2002, the government strengthened anti-trafficking legislation and increased penalties for violations.¹⁰³⁵ Law 548 of 1999 establishes that persons under the age of 18 cannot perform military service.¹⁰³⁶

The Ministry of Social Protection (formerly the Ministry of Labor and Health),¹⁰³⁷ the ICBF, the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.¹⁰³⁸ The Ministry of Social Protection is 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.¹⁰³⁹ The Ministry estimates that only five percent of workplaces that employ children obtain the required work permits.¹⁰⁴⁰ The Government of Colombia is a leader in international efforts to combat trafficking, police actively investigate trafficking offenses, and the crime carries significant penalties. A lack of resources for a witness protection system and intimidation by traffickers hinder prosecution efforts.¹⁰⁴¹ The lack of resources also inhibits the government's ability to enforce the legal prohibition against forced labor by children in the country's armed conflict.¹⁰⁴²

The Government of Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.¹⁰⁴³

¹⁰³¹ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*. The Minors' Code also prohibits children under the age of 12 from working, sets limits on the number of hours children ages 12 to 17 may work, and forbids employment of children at night. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰³² *Constitución Política de Colombia*, Art. 44.

¹⁰³³ Article 53 prohibits depriving workers of their liberty. *Ibid*.

¹⁰³⁴ *Penal Code*, Articles 308-12; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/csaColombia.asp>.

¹⁰³⁵ U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰³⁶ Coalition to Stop the Use of Child Soldiers, "Global Report 2001: Colombia."

¹⁰³⁷ Ministerio de la Protección Social, *Bienvenidos: Ministerio de la Protección Social*, [online] [cited August 13, 2003]; available from <http://www.mintrabajo.gov.co/NewSite/MseContent/home.asp>.

¹⁰³⁸ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*. ICBF is the entity responsible for accepting complaints and tracking cases of commercial sexual exploitation of children. See Colombian Institute of Family Welfare, *ICBF Apoya la "Dignidad Infantil"*, [online] [cited June 20, 2003]; available from <http://www.icbf.gov.co/espanol/Noticias3.asp?IdNot=151>.

¹⁰³⁹ U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6d.

¹⁰⁴⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰⁴¹ U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰⁴² U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6c. There are many reports that guerrilla forces have threatened children or their families with death as punishment for desertion. See U.S. Department of State, *Country Reports- 2002: Colombia*, Section 5. See Coalition to Stop the Use of Child Soldiers, "Colombia," in *Child Soldiers 1379 Report*, London, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

¹⁰⁴³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In March 2002, the Government of Comoros participated in a 2-day conference on child exploitation with seven other francophone African countries. The conference participants agreed to define a “child” as a person under the age of 18, and produced a list of 21 guiding principles, which outline exploitative activities in the context of children that must be banned.¹⁰⁴⁴ The government has also worked together with UNICEF to formulate a response to a rising number of incidences of child labor¹⁰⁴⁵ and improve education for girls.¹⁰⁴⁶ Since 1997, the World Bank has financed a USD 7.5 million project to improve primary and vocational education in the country.¹⁰⁴⁷ From 2002 to 2007, the government will collaborate with the European Commission on various projects in the education sector aimed at developing elementary education infrastructure, technical and vocational training, institutional capacity, improving the quality of secondary education, and promoting higher education.¹⁰⁴⁸

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.¹⁰⁴⁹ Children work in the informal sector, agriculture, and family enterprises, particularly in subsistence farming and fishing.¹⁰⁵⁰ Children, some as young as 7 years old, also work as domestic servants, in exchange for food and shelter.¹⁰⁵¹ Migration from rural areas and poverty has led to a growing number of children working and living on the streets.¹⁰⁵²

Primary education is compulsory until the age of 10.¹⁰⁵³ In 2000, the gross primary enrollment rate was 86.0 percent, and the net primary enrollment rate was 56.2 percent.¹⁰⁵⁴ According to UNICEF, only 22.1 percent of boys and 26.9 percent of girls enrolled in primary school reach grade 5.¹⁰⁵⁵ Attendance is not enforced by the

¹⁰⁴⁴ 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*, IRINnews.org, [online] April 2, 2002 [cited August 28, 2003]; available from <http://www.irinnews.org/report.asp?ReportID=27066&SelectRegion=Africa&SelectCountry=AFRICA>.

¹⁰⁴⁵ UN Committee on the Rights of the Child, *Summary Record of the 666th Meeting: Comoros*, CDC/C/SR.666, Geneva, June 2001, para. 39.

¹⁰⁴⁶ UNICEF has also supported the Government of Comoros to implement 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. See Government of Comoros, *Girls' Education in Comoros*, [previously online], UNICEF, [hard copy on file]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Comorosfinal.PDF.

¹⁰⁴⁷ World Bank, *Education Project (03)*, in Projects Database, [online database] October 31, 2003 [cited October 31, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P000603>.

¹⁰⁴⁸ Afrol News, *Comoros and Europe Agree on Cooperation Programme*, in afrol.com, [online] August 14, 2002 [cited August 28, 2003]; available from http://www.afrol.com/News2002/com010_eu_cooperation.htm.

¹⁰⁴⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Comoros, *Multiple Indicator Cluster Survey 2 (MICS2): Standard Tables for Comoros*, UNICEF Statistics, 125 [cited August 28, 2003]; available from <http://www.childinfo.org/MICS2/newreports/comoros/comoros.htm>.

¹⁰⁵⁰ 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- 2002: Comoros*, Washington, D.C., March 31, 2003, Section 6d [cited August 28, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/index.htm>.

¹⁰⁵¹ UN Committee on the Rights of the Child, *Summary Record*, para. 3.

¹⁰⁵² UN Committee on the Rights of the Child, *Concluding Observations*, para. 39. See also UN Committee on the Rights of the Child, *Summary Record*, para. 3.

¹⁰⁵³ U.S. Department of State, *Country Reports-2002: Comoros*, Section 5.

¹⁰⁵⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁰⁵⁵ Government of Comoros, *MICS2: Standard Tables for Comoros*, Table 11, 39.

government,¹⁰⁵⁶ and only 31.2 percent of all primary school children ages 6 to 12 attend school.¹⁰⁵⁷ There is a general lack of facilities, equipment, qualified teachers, textbooks and other resources.¹⁰⁵⁸ Salaries for teachers are often so far in arrears that many teachers refuse to work.¹⁰⁵⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 18 years.¹⁰⁶⁰ The Constitution prohibits forced and bonded labor, though not specifically by children.¹⁰⁶¹ The Criminal Code makes any act of indecent assault committed against a child under the age of 15 years punishable by 2 to 5 years imprisonment.¹⁰⁶² The penalty is enhanced to up to 15 years imprisonment if the act committed or attempted is rape.¹⁰⁶³ If a minor under 21 years is discovered engaging in prostitution, a juvenile court may impose protective measures.¹⁰⁶⁴ The Code provides for imprisonment of 2 to 5 years for anyone who is complicit in the prostitution of a minor or uses threats, coercion, violence, assault, or the abuse of authority.¹⁰⁶⁵ Article 323 of the Criminal Code also provides for the same penalties for complicity in international trafficking.¹⁰⁶⁶ Enforcement of labor laws including the minimum age provision is lax, and in practice, many children begin work at age 15.¹⁰⁶⁷ This is due in part to a lack of labor inspectors and general lack of resources.¹⁰⁶⁸

The Government of Comoros has not ratified ILO Convention 138 or ILO Convention 182.¹⁰⁶⁹

¹⁰⁵⁶ U.S. Department of State, *Country Reports-2002: Comoros*, Section 5.

¹⁰⁵⁷ Government of Comoros, *MICS2: Standard Tables for Comoros*, Table 10, 38.

¹⁰⁵⁸ UN Committee on the Rights of the Child, *Concluding Observations*, para. 43. See also Government of Comoros, *Girls' Education in Comoros*.

¹⁰⁵⁹ UN Committee on the Rights of the Child, *Summary Record*, para. 23.

¹⁰⁶⁰ U.S. Department of State official, electronic communication to USDOL official, February 18, 2004.

¹⁰⁶¹ U.S. Department of State, *Country Reports-2002: Comoros*, Section 6c

¹⁰⁶² *Criminal Code of Comoros*, Article 318 [cited August 27, 2003]; available from <http://209.190.246.239/protectionproject/statutesPDF/Comorosf.pdf>.

¹⁰⁶³ *Ibid.*, Article 319.

¹⁰⁶⁴ *Ibid.*, Article 327.

¹⁰⁶⁵ *Ibid.*, Article 323.

¹⁰⁶⁶ *Ibid.*

¹⁰⁶⁷ UN Committee on the Rights of the Child, *Concluding Observations*, para. 48. See also U.S. Department of State official, electronic communication, February 18, 2004.

¹⁰⁶⁸ U.S. Department of State, *Country Reports-2002: Comoros*, Sections 5 and 6d.

¹⁰⁶⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Democratic Republic of the Congo is an associated country of ILO-IPEC.¹⁰⁷⁰ The government is participating in a regional ILO-IPEC project funded by USDOL to reintegrate children involved and prevent children from involvement in armed conflicts in Central Africa.¹⁰⁷¹ The first phase of the project, which was completed in 2003,¹⁰⁷² produced a qualitative study on the use of children in conflicts in the region.¹⁰⁷³ In 2003, the second phase of the project was launched, in which direct action programs will be undertaken to remove children involved and prevent children from becoming involved in armed conflict.¹⁰⁷⁴

In 2001, President Joseph Kabila created the National Bureau for Demobilization and Reintegration (BUNADER) to work with UNICEF to implement a demobilization program for combatants with special needs, including children.¹⁰⁷⁵ The disarmament, demobilization, and reintegration of children¹⁰⁷⁶ involve government agencies such as the Ministries of Defense and Education, as well as international organizations and NGOs.¹⁰⁷⁷

In 2002, government officials participated in awareness-raising activities on child labor organized by ILO-IPEC in conjunction with the African Cup of Nations.¹⁰⁷⁸ In June 2003, the government launched a nation-wide birth registration campaign to provide children with official documentation of their age,¹⁰⁷⁹ a strategy intended to prevent early recruitment into armed groups and to protect children from trafficking.¹⁰⁸⁰

¹⁰⁷⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 28, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁰⁷¹ This 5-year project was initially funded in 2001. 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.

¹⁰⁷² ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflict in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, March 25, 2003, 1.

¹⁰⁷³ See generally ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003.

¹⁰⁷⁴ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹⁰⁷⁵ U.S. Embassy– Kinshasa, electronic communication to USDOL official, February 20, 2004. See also S.E. Mme Jeanne Ebamba Boboto, Minister of Social Affairs, Statement at the UN Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/drc.htm>. See also UNICEF, *A Humanitarian Appeal for Children and Women: January - December 2002, Democratic Republic of Congo (DRC)*, 2002; available from <http://www.unicef.org/emerg/Appeals/2002/drcongo2.pdf>.

¹⁰⁷⁶ The rebel group Congolese Rally for Democracy (RCD) also signed a plan of action with UNICEF for the demobilization of child soldiers. See UNICEF, *A Humanitarian Appeal for Children and Women*, 10. See also UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, New York, May 2002, 39. The rebel forces Movement for the Liberation of the Congo, RCD–Goma, and RCD–Kisangani/Movement for Liberation have also made agreements to demobilize child soldiers. See Integrated Regional Information Networks, “DRC: MONUC denounces recruitment of child soldiers by Lubanga’s UPC/RP”, IRINnews.org, February 7, 2003; available from <http://www.irinnews.org/print.asp?ReportID=32185>.

¹⁰⁷⁷ ILO-IPEC, *Wounded Childhood*, 60–61. UNICEF has more recently proposed a national demobilization and reintegration strategy for former child combatants. The government has also participated in discussions with the World Bank about the integration of all former child soldier projects in the country into a comprehensive national program. See World Bank Multi-Country Demobilization and Reintegration Program, *Country Profile: Democratic Republic of the Congo (DRC)*, July 31, 2003; available from http://www.mdrp.org/Countries/profile-drc_073103.pdf. See also World Bank Africa Region Office, *Greater Great Lakes Regional Strategy for Demobilization and Reintegration*, March 25, 2002, i, 58; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/04/19/000094946_0204100401206/Rendered/PDF/multi0page.pdf.

¹⁰⁷⁸ 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>. No longer available online, available on file.

¹⁰⁷⁹ Integrated Regional Information Networks, “DRC: Kabila launches national birth registration campaign”, IRINnews.org, June 17, 2003; available from <http://www.irinnews.org/print.asp?ReportID=34791>.

¹⁰⁸⁰ UN Office for the Coordination of Humanitarian Affairs, *Great Lakes: UNICEF calls for free registration of births*, IRIN, [online] August 26, 2002 [cited June 28, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=28177>. USAID is supporting NGO efforts to promote child rights. See U.S. Embassy– Kinshasa, *unclassified telegram no. 436*, February 21, 2003.

The government has worked with UNICEF on a girls' education project aimed at increasing enrollment, reducing the drop-out rate, and encouraging transition to secondary education.¹⁰⁸¹ The Ministry of Primary, Secondary and Professional Education, the Ministry of Social Affairs, and the Ministry of Recreation and Youth are providing qualified professionals to implement UNICEF-supported formal and non-formal education projects.¹⁰⁸² In 2003, UNICEF granted the government additional funding for children's programs, including the promotion of girls' education.¹⁰⁸³ USAID has also provided financing for awareness raising activities to promote girls' education.¹⁰⁸⁴ Furthermore, due to the critical needs in the country's education system, the Government of the Democratic Republic of the Congo is receiving intensified support from the World Bank to address data, policy, and capacity gaps to enable the country to qualify for Education for All Fast-Track grant financing from the World Bank and other donors.¹⁰⁸⁵ The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children with a primary school education by the year 2015.

Incidence and Nature of Child Labor

In 2001, UNICEF estimated that 24.2 percent of children ages 5 to 14 years in the Democratic Republic of Congo were working.¹⁰⁸⁶ Children work in the informal sector and in subsistence agriculture, which constitute the largest sectors of the economy.¹⁰⁸⁷ Some children hunt or fish to support their families instead of attending school.¹⁰⁸⁸ Children work in mining,¹⁰⁸⁹ stone crushing,¹⁰⁹⁰ garbage collecting and as porters and errand boys.¹⁰⁹¹

¹⁰⁸¹ UNICEF, *Girls' Education in the Democratic Republic of Congo*, previously online, 2002; available from www.unicef.org/programme/girlseducation/action/ed_profiles/DRCfinal.pdf [hard copy on file].

¹⁰⁸² UNICEF, *A Humanitarian Appeal for Children and Women*.

¹⁰⁸³ Integrated Regional Information Networks, "DRC: UNICEF gives \$40.5 million for children's programme", IRINnews.org, April 1, 2003; available from <http://www.irinnews.org/print.asp?ReportID=33188>.

¹⁰⁸⁴ USAID, *Investment in Education by Country and Donor*, Washington, DC, 2003. See also USAID, *Democratic Republic of the Congo: Data Sheet*, Submitted as part of the 2004 Congressional Budget Justification, Washington, DC, no date; available from http://www.usaid.gov/policy/budget/cbj2004/sub-saharan_africa/dr_congo.pdf. USAID has worked 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/> [hard copy on file].

¹⁰⁸⁵ Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited July 4, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=28310>. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

¹⁰⁸⁶ 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 four or more 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, 177; available from <http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf>.

¹⁰⁸⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Democratic Republic of the Congo*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18177pf.htm>.

¹⁰⁸⁸ *Ibid.*, Section 5.

¹⁰⁸⁹ UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Initial report of the Democratic Republic of the Congo (continued)*, CRC/C/SR.706, United Nations, Geneva, June 3, 2002, Paragraph 15; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/88d505fd9d41bac1256bd50039279b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/88d505fd9d41bac1256bd50039279b?OpenDocument).

¹⁰⁹⁰ Children are involved in the crushing of coltan, which may pose special health hazards. See Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC)*, New York, June 2003, 21; available from http://www.watchlist.org/reports/dr_congo.report.pdf.

¹⁰⁹¹ Save the Children (UK), *Children's Lives: Surviving the Streets*, [online] 2002 [cited August 13, 2003]; available from http://www.savethechildren.org.uk/functions/indx_wedo.html. Some NGOs allege that children are engaged in drug trafficking. 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 par la République Democratique du Congo*, Kinshasa, October 2000, 20; available from <http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf>.

Child prostitution is common.¹⁰⁹² In 2002, there were reports that the military and police sexually exploited homeless girls.¹⁰⁹³ Children are trafficked by various armed groups in Eastern Congo's North and South Kivu provinces and Ituri district for sexual exploitation and forced labor.¹⁰⁹⁴

Despite efforts at demobilization, in 2003, there were reports that up to one third of all children in the Democratic Republic of the Congo were engaged in some form of soldiering.¹⁰⁹⁵ Children serve as soldiers in a number of armed groups, including the Congolese Armed Forces, the Movement for the Liberation of the Congo, and branches of the Congolese Rally for Democracy.¹⁰⁹⁶ Congolese child soldiers serve as runners, bodyguards, porters, spies, and fighters on the frontlines.¹⁰⁹⁷

Education in the Democratic Republic of the Congo is neither compulsory nor free.¹⁰⁹⁸ In 1998, the gross primary enrollment rate was 46.8 percent, and the net primary enrollment rate was 32.6 percent.¹⁰⁹⁹ In 2001, the net primary attendance rate was 51.7 percent.¹¹⁰⁰ Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities and population displacement.¹¹⁰¹ In high-conflict zones, girls drop out of school for fear of sexual violence by combatants targeting schools.¹¹⁰²

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.¹¹⁰³ Children between the ages of 14 and 18 may work with the consent of a parent or guardian; those under 16 may work up to 4 hours per day.¹¹⁰⁴ Children under the age of 18 are prohibited from working at night in

¹⁰⁹² U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6f. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 20.

¹⁰⁹³ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 1c.

¹⁰⁹⁴ U.S. Embassy- Kinshasa, electronic communication. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 2003, 49; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

¹⁰⁹⁵ UNICEF, *At a glance: Congo, Democratic Republic of the*, [online] [cited November 24, 2003]; available from <http://www.unicef.org/infobycountry/drcongo.html>.

¹⁰⁹⁶ UN Secretary-General, *Report of the Secretary-General on children and armed conflict*, New York, November 26, 2002, 14. There were no reports in 2002 that the government forcibly recruited child soldiers. See U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6c.

¹⁰⁹⁷ U.S. Department of State, *Trafficking in Persons Report*, Coalition to Stop the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter* # 3 (March 2002), 8. See also ILO-IPEC, *Wounded Childhood*, 44.

¹⁰⁹⁸ The government is currently operating without a constitution, hence, there are no constitutional protections in regard to education. See U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Introduction and Section 5. See also Right to Education, *Constitutional Guarantees: Congo (Democratic Republic of the, formerly Zaire)*, [online] 2002 [cited July 4, 2003]; available from http://www.right-to-education.org/content/consguarant/congo_zaire.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*, para. 43.

¹⁰⁹⁹ More recent rates are not available. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹¹⁰⁰ Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants*, 1, 73. Gross attendance rates are not available.

¹¹⁰¹ 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; available from <http://www.oxfam.org.uk/policy/papers/drc2.htm>.

¹¹⁰² U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 5.

¹¹⁰³ *Code du Travail, Ordonnance-Loi no. 67/310 du 9 Août 1967 constituent le Code du Travail, dans sa teneur modifiée au 31 décembre 1996*; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹¹⁰⁴ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, 168-70, Section 6d.

public or private establishments.¹¹⁰⁵ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.¹¹⁰⁶ There are no specific laws that prohibit trafficking.¹¹⁰⁷

The Ministry of Labor is responsible for enforcing child labor laws, but fails to do so effectively.¹¹⁰⁸ In the past, there were reports that former child soldiers had been imprisoned, with some reportedly on death row.¹¹⁰⁹

The Government of the Democratic Republic of the Congo ratified ILO Convention 138 and ILO Convention 182 on June 20, 2001.¹¹¹⁰

¹¹⁰⁵ *Code du Travail*, Article 106.

¹¹⁰⁶ U.S. Department of State, *Country Reports- 2002: 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. 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*, 20.

¹¹⁰⁷ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6f.

¹¹⁰⁸ *Ibid.*, Section 6d.

¹¹⁰⁹ Coalition to Stop 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 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>.

¹¹¹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

CONGO, REPUBLIC OF

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

The Government of the Republic of Congo is an associated country of ILO-IPEC.¹¹¹¹ The government is participating in a regional ILO-IPEC project funded by USDOL to reintegrate children involved and prevent children from involvement in armed conflicts in Central Africa.¹¹¹² The first phase of the project, which was completed in 2003,¹¹¹³ produced a qualitative study on the use of children in conflicts in the region.¹¹¹⁴ In 2003, the second phase of the project was launched, in which direct action programs will be undertaken to remove children involved and prevent children from becoming involved in armed conflict.¹¹¹⁵ The government has also established the High Commission for Reintegration of Ex-Combatants, which has maintained some projects regarding the demobilization of child soldiers and offers them financial support and technical training. With funding from UNICEF, the Department of Social Action established the Traumatized Children Project, which provides counselling for former child soldiers.¹¹¹⁶

In 2003, the government pledged to increase birth registration in the capital city of Brazzaville within the year, and to extend the campaign to the rest of the nation in 2004.¹¹¹⁷ Such efforts are intended to prevent early recruitment into armed groups and to protect children from trafficking.¹¹¹⁸

The Ministry of Territorial and Regional Development is jointly implementing a school reintegration project, funded by the European Union through UNESCO, for children displaced by the civil war in the late 1990s and natural disasters.¹¹¹⁹ In 2002, the World Bank provided funding for an emergency reconstruction project that includes financing for school rehabilitation in Brazzaville.¹¹²⁰ In 2003, the U.S. Department of Defense, through its Humanitarian Assistance Program, also funded the rehabilitation of schools destroyed during the country's civil conflicts.¹¹²¹

¹¹¹¹ ILO-IPEC, *All About IPEC: Programme Countries*, [cited June 28, 2003]; available from http://www.ilo.org/public/english/standards/ipe/about/countries/t_country.htm.

¹¹¹² This 5-year project was initially funded in 2001. 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. The government has also participated in discussions with the World Bank about a possible regional demobilization and reintegration initiative, which would include special projects for child ex-combatants. Many former combatants in the Congo have already been demobilized. See World Bank Multi-Country Demobilization and Reintegration Program, *Program Overview: Scope*, World Bank, [online] 2003 [cited August 14, 2003]; available from <http://www.mdrp.org/overview/scope.htm>.

¹¹¹³ 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, March 25, 2003, 1.

¹¹¹⁴ See generally ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003.

¹¹¹⁵ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹¹¹⁶ U.S. Department of State official, electronic communication to USDOL official, February 20, 2004. Funding for the High Commission's training programs is provided by the World Bank. See ILO-IPEC, *Wounded Childhood*, 61-62.

¹¹¹⁷ Integrated Regional Information Networks, "Congo: NGO calls for improved birth registration efforts", IRINnews.org, June 18, 2003; available from <http://www.irinnews.org/print.asp?ReportID=34826>.

¹¹¹⁸ Integrated Regional Information Networks, "Great Lakes: UNICEF calls for free registration of births", IRINnews.org, [online], June 6, 2002; available from <http://www.irinnews.org/print.asp?ReportID=28177>.

¹¹¹⁹ The project was funded in 2003. See Integrated Regional Information Networks, "Congo: EU grants US \$812,700 towards education, the fight against drug abuse", IRINnews.org, February 7, 2003; available from <http://www.irinnews.org/print.asp?ReportID=32184>.

¹¹²⁰ World Bank, *Emergency Infrastructure Rehabilitation and Living Conditions Improvement Project*, in Projects Database, [database online] August 8, 2003 [cited August 14, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074006>. See also World Bank, *Congo, Republic of: Emergency Reconstruction, Rehabilitation, and Living Conditions Improvement Project*, Washington, D.C., January 2002, 4-5.

¹¹²¹ U.S. Department of State official, electronic communication, February 20, 2004.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 25.3 percent of children ages 10 to 14 years in the Republic of the Congo were working.¹¹²² Children work for their families on farms or in informal business activities.¹¹²³ Growing numbers of street children in Brazzaville engage in street vending and petty theft. Some of these children are also involved in prostitution.¹¹²⁴ Children joined and were recruited by both the government and opposition forces involved in the civil conflict from 1997 to 2000,¹¹²⁵ and there have been anecdotal reports that children were recruited into military service during the May 2002 violence in the country.¹¹²⁶ The 2003 ILO-IPEC study showed that children have performed a variety of tasks for armed groups, including front line combat, patrolling, and spying.¹¹²⁷ There have been reports of trafficking of children among the Congo and other countries in West and Central Africa, including Benin, Cameroon, Central African Republic, Chad, Niger, Nigeria, and Togo.¹¹²⁸

The Constitution establishes free and compulsory education up to the age of 16 years.¹¹²⁹ In 2000, the gross primary enrollment rate was 96.9 percent.¹¹³⁰ In 2001, however, UNICEF reported that approximately 40 percent of the Congo's primary school-age children did not attend school, largely as a result of the 1997-2000 conflicts.¹¹³¹ Many classroom buildings were damaged during this period; schools have few educational materials and poor hygiene and sanitation systems,¹¹³² and teachers lack training.¹¹³³ High drop-out rates in urban and rural areas are reportedly due to poverty, lack of facilities, teacher absenteeism, and poor learning conditions. The lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.¹¹³⁴

¹¹²² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹¹²³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Congo*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18178pf.htm>. 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 on Human Rights Practices- 2001: Congo*, Washington, D.C., March 4, 2002, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8335.htm>. See also U.S. Department of State, *Country Reports- 2002: Congo*, Section 6c. 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.

¹¹²⁴ U.S. Department of State, *Country Reports- 2002: Congo*, Section 5.

¹¹²⁵ ILO-IPEC, *Wounded Childhood*, 29, 32. See also Coalition to Stop the Use of Child Soldiers, "Congo," in *Global Report 2001*; available from <http://childsoldiers.amnesty.it/cs/childsoldiers.nsf/index/english?OpenDocument>.

¹¹²⁶ The Government states that recruitment of children is not authorized. Unofficial sources report that the children were enticed, rather than forced, to join the military. See U.S. Department of State, *Country Reports- 2002: Congo*, Section 6d.

¹¹²⁷ ILO-IPEC, *Wounded Childhood*, 43.

¹¹²⁸ U.S. Department of State, *Country Reports- 2002: Congo*, Section 6f.

¹¹²⁹ Right to Education, *Constitutional Guarantees: Congo*, [database online] [cited June 28, 2003]; available from <http://www.right-to-education.org/content/consguarant/congo.html>. See also U.S. Department of State, *Country Reports- 2002: Congo*, Section 5.

¹¹³⁰ Net primary enrollment rates are unavailable for the Congo. See World Bank, *World Development Indicators 2003*.

¹¹³¹ Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*, allAfrica.com, [online] September 7, 2001 [cited July 4, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=11240>. See also UNICEF, *UNICEF Humanitarian Action: Republic of Congo Donor Update*, September 4, 2001; available from <http://www.reliefweb.int/w/Rwb.nsf/vID/2C45D0903EF3950D85256ABD005B3D8D?OpenDocument>. See also U.S. Department of State official, electronic communication, February 20, 2004.

¹¹³² UNICEF, *UNICEF Humanitarian Action*, [cited September 3, 2002].

¹¹³³ Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*.

¹¹³⁴ UNICEF, *UNICEF Humanitarian Action*.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment, including apprenticeships, at 16 years, unless otherwise permitted by the Ministry of Education.¹¹³⁵ The law prohibits forced or compulsory labor.¹¹³⁶ Procuring any person for the purposes of prostitution is illegal, with increased punishment if the crime is committed with a minor.¹¹³⁷ The law does not specifically prohibit trafficking in persons.¹¹³⁸ 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.¹¹³⁹

The Government of the Republic of the Congo ratified ILO Convention 138 on November 26, 1999, and ratified ILO Convention 182 on August 23, 2002.¹¹⁴⁰

¹¹³⁵ *Labor Code*, Article 116; available from <http://droit.francophonie.org/BJ/TexteHTM/CG0/CG0E0007.htm>. See also Embassy of the Republic of Congo, letter, October 25, 2001.

¹¹³⁶ *Labor Code*, Article 4. See also Embassy of the Republic of Congo, letter, October 25, 2001.

¹¹³⁷ Government of the Republic of Congo, *Criminal Code*, as cited in The Protection Project Legal Library, [database online] [cited August 31, 2002], Articles 225–27; available from <http://www.protectionproject.org/main1.htm>.

¹¹³⁸ U.S. Department of State, *Country Reports- 2002: Congo*, Section 6f.

¹¹³⁹ *Ibid.*, Section 6d.

¹¹⁴⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 1996.¹¹⁴¹ Currently, Costa Rica is participating in several ILO-IPEC projects funded by USDOL, including a project to collect child labor statistics¹¹⁴² and a project to combat child labor in the coffee sector (in Turrialba and Guanacaste).¹¹⁴³ Costa Rica is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.¹¹⁴⁴ With other donor funding, in July 2002, the Government of Costa Rica and ILO-IPEC began to map and define the worst forms of child labor, in preparation for a Timebound Program.¹¹⁴⁵ In 2003, in collaboration with the Government of Costa Rica, ILO-IPEC began implementing a Timebound Program. The Timebound Program focuses on enabling an environment at the national level to eliminate the worst forms of child labor, as well as direct action activities in the Brunca Region.¹¹⁴⁶ ILO-IPEC is also carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.¹¹⁴⁷ In collaboration with ILO-IPEC, the labor union Central del Movimiento de Trabajadores Costarricenses (CMTC) is supporting a pre-school center for the children of street vendors in San José.¹¹⁴⁸

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,¹¹⁴⁹ which provides direction on child labor issues to the Ministry of Labor's National Directorate for Inspection.¹¹⁵⁰ The Committee, in 1998, 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 Ministry of Labor's Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the National Commission Against the Commercial Exploitation of Minors and Adolescents.¹¹⁵¹ The commercial sexual exploitation of children is

¹¹⁴¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 20, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹¹⁴² INEC, MTSS, and ILO-IPEC, *Informe Nacional de los Resultados de la Encuesta de Trabajo Infantil y Adolescente En Costa Rica*, San José, 2003. This survey was carried out with support from a USDOL funded ILO-IPEC SIMPOC project.

¹¹⁴³ 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.

¹¹⁴⁴ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, this project targets 150 girls in Limón, 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, 26-40.

¹¹⁴⁵ ILO-IPEC, *Actividades Preparatorias para la Eliminación de las Peores Formas de Trabajo Infantil en Costa Rica*, Informe, August 2002. See also Government of Costa Rica, *Avances convenio 182*, 2003.

¹¹⁴⁶ ILO-IPEC, *IPEC Action Against Child Labour 2002-2003: Progress and Future Priorities*, Geneva, October 2003.

¹¹⁴⁷ ILO official Rigoberto Astorga, electronic communication to USDOL official, September 16, 2002. See also Jamie Daremblum, Costa Rican Ambassador to the United States, letter to USDOL official, September 6, 2002.

¹¹⁴⁸ ILO official Maria José Chamorro, electronic communication to USDOL official, September 10, 2002.

¹¹⁴⁹ 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. Ministry of Foreign Trade, Submission to the U.S. Department of Labor of a Report and Comments on Child Labor Issues, official submission USDOL Official, June 5, 2003, 8. See also U.S. Embassy- San José, *unclassified telegram no. 1586*, June 2000. See also U.S. Embassy- San José, *unclassified telegram no. 2206*, August 21, 2003.

¹¹⁵⁰ U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁵¹ U.S. Embassy- San José, *unclassified telegram no. 1586*. See also U.S. Embassy- San José, *unclassified telegram no. 2725*, October 2002. 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*, Ministry of Labor and Social Security, Washington, D.C., 2002. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

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.¹¹⁵²

In September 2000, the government established the “National Agenda for Children and Adolescents, 2000–2010,” where 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 2010.¹¹⁵³ Since implementation of the agenda, the government has created promotional materials on the problem of child labor; provided awareness training to over 5,000 government officials, college students, and private sector employees in the banana industry; and educated 7,000 youths on worker rights. All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.¹¹⁵⁴ On October 8, 2002, the Ministry of Labor announced a nationwide program aimed at providing small loans and economic aid to families with at-risk children.¹¹⁵⁵ In 2003, the government launched an awareness raising campaign entitled “Mobilize Costa Rica Against Child Labor.”¹¹⁵⁶ On March 17, 2003, the Ministry of Transport and the Costa Rican Taxi Associations signed an agreement that states that if a taxi is found involved in the commercial sexual exploitation of children, its concession will be withdrawn.¹¹⁵⁷

In the area of education, the government promotes children’s access to primary school through ongoing publicity campaigns sponsored by the Ministries of Labor and Public Education.¹¹⁵⁸ Other educational programs have focused on the reintegration of child laborers into the education system. The Ministry of Education has been supporting ongoing efforts by providing scholarships for poor families in order for them to cover the indirect costs of attending school.¹¹⁵⁹ Costa Rica is involved in an IDB program aimed at improving pre-school and lower-secondary education.¹¹⁶⁰

Incidence and Nature of Child Labor

In 2002, the National Survey on Child and Adolescent Labor reported that 11.4 percent of children ages 5 to 17 were economically active.¹¹⁶¹ World Bank estimated that 4 percent of children ages 10 to 14 years in Costa Rica were working.¹¹⁶² In rural areas, children work in agriculture and cattle-raising, primarily on family-owned farms.

¹¹⁵² ILO-IPEC, *Explotación Sexual Comercial de Personas Menores de Edad en Costa Rica*, San José, May 2002, 11, 35.

¹¹⁵³ Government of Costa Rica, *Agenda Nacional para la Niñez y la Adolescencia: Metas y Compromisos, 2000-2010*, San José, September 2000, 11, 21.

¹¹⁵⁴ U.S. Embassy– San José, *unclassified telegram no. 2206*. See also Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001. See also Government of Costa Rica, *Avances convenio 182*.

¹¹⁵⁵ U.S. Embassy– San José, *unclassified telegram no. 2725*. See also Government of Costa Rica, *Aportes del Gobierno de Costa Rica a Programas de Erradicación del Trabajo Infantil*, 2003.

¹¹⁵⁶ U.S. Embassy– San José, *unclassified telegram no. 2206*. See also Government of Costa Rica, *Avances convenio 182*.

¹¹⁵⁷ ILO-IPEC, *Technical Progress Report, “Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic”*, Geneva, September 2, 2003, 8.

¹¹⁵⁸ U.S. Embassy– San José, *unclassified telegram no. 1586*.

¹¹⁵⁹ U.S. Embassy– San José, *unclassified telegram no. 2725*.

¹¹⁶⁰ Inter-American Development Bank, *Approved Projects - Education*, [online] June 12, 2003 [cited June 20, 2003]; available from <http://www.iadb.org/exr/doc98/apr/apeduc.htm>.

¹¹⁶¹ According to the survey, 127,077 children aged 5 to 17 work. INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 33. The Government of Costa Rica completed this national child labor survey in 2003 with support from the ILO.

¹¹⁶² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, 18,000 children between the ages of 10 and 14 were working. See ILO, *Yearbook of Labor Statistics 2001* (Geneva: 2001); available from <http://laborsta.ilo.org>.

Costa Rican children traditionally help harvest coffee beans and sugar cane, although Nicaraguan immigrants, including children, are also found working on farms.¹¹⁶³ Child labor in agriculture and the service sector continues to be prevalent in the Cartago, Limón, and Brunca regions of the country.¹¹⁶⁴ 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.¹¹⁶⁵ Children also bag groceries at supermarkets, sell goods on streets or highways, and watch over parked vehicles.¹¹⁶⁶

The prostitution of children is a continuing problem in Costa Rica,¹¹⁶⁷ and is often associated with the country's sex tourism industry.¹¹⁶⁸ Costa Rica is a transit and destination point for children trafficked for commercial sexual exploitation purposes, including prostitution.¹¹⁶⁹ Most trafficking victims originate from Colombia, the Dominican Republic, Nicaragua, Panama, and to a lesser extent from Russia, the Philippines, Romania, and Bulgaria.¹¹⁷⁰

Education is compulsory and free for 6 years at the primary level and 3 years at the secondary level.¹¹⁷¹ In 2000, the gross primary enrollment rate was 106.8 percent and the net primary enrollment rate was 91.1 percent.¹¹⁷² In 1999, 80.2 percent of children enrolled in primary school reached grade 5.¹¹⁷³ The proportion of dropouts is higher in rural areas (16 percent) than in urban areas (7.5 percent).¹¹⁷⁴

¹¹⁶³ U.S. Embassy- San José, *unclassified telegram no. 0515*, February 1998. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁶⁴ U.S. Embassy- San José, *unclassified telegram no. 2725*. See also ILO-IPEC, *Trabajo Infantil y Adolescente en la Región Brunca Diagnóstico*, San José, 2001. See also ILO-IPEC, *Cartago: Dimensión, naturaleza y entorno socioeconómico del trabajo infantil y adolescente*, San José, 2002.

¹¹⁶⁵ U.S. Embassy- San José, *unclassified telegram no. 0515*. See also INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 37-43. See also National Institute of Children (PANI), *El Trabajo Infante Juvenil en Costa Rica y Su Relación Con La Educación: Análisis de los Resultados de la Encuesta de Hogares de Propósitos Múltiples 1994 Sobre Actividades de los Menores de Edad*, San José, June 1995, 23-24.

¹¹⁶⁶ U.S. Embassy- San José, *unclassified telegram no. 0515*. See also INEC, MTSS, and ILO-IPEC, *Informe Nacional*, 37-43. See also National Institute of Children (PANI), *El Trabajo Infante Juvenil en Costa Rica y Su Relación Con La Educación*, 23-24.

¹¹⁶⁷ 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- 2002: Costa Rica*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18326.htm>. See also ILO-IPEC, *Explotación Sexual Comercial de Personas Menores*, 11, 15.

¹¹⁶⁸ Maria Cecilia Claramunt, *Sexual Exploitation in Costa Rica: Analysis of the critical path to prostitution for boys, girls, and adolescents*, UNICEF, 1999, 29.

¹¹⁶⁹ U.S. Department of State, *Trafficking in Persons Report - 2003: Costa Rica*, Washington, D.C., June 11, 2003, [cited June 23, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6f.

¹¹⁷⁰ U.S. Department of State, *Trafficking in Persons Report: Costa Rica*, 41.

¹¹⁷¹ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 5. A tradition of free schooling dates back to 1869. See Infocostarica staff, *Education in Costa Rica*, infoCOSTARICA.com, [online] August 13, 2002 [cited June 20, 2003]; available from <http://www.infocostarica.com/education/education.html>.

¹¹⁷² USAID, *Global Education Database* Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>. See also World Bank, *World Development Indicators 2003*.

¹¹⁷³ World Bank, *World Development Indicators 2003*.

¹¹⁷⁴ Rodolfo Pisoni, *Informe Sobre el Trabajo Infantil y Adolescente en Costa Rica*, PANI, April 1999, 59. See also 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.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years.¹¹⁷⁵ 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 they are required to work with dangerous equipment, contaminated substances or excessive noise.¹¹⁷⁶ Also under the Children and Adolescent's Code, children are not allowed to work at night or more than 6 hours a day or 36 hours a week.¹¹⁷⁷ Children under the age of 18 are not permitted to work in the banana industry.¹¹⁷⁸

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.¹¹⁷⁹ The Law Against the Sexual Exploitation of Underage Persons, approved in 1999, established penalties for those engaged in the commercial sexual exploitation of children.¹¹⁸⁰ The Penal Code provides for a prison sentence of between 4 and 10 years if the victim of prostitution is under the age of 18.¹¹⁸¹ The Penal Code also prohibits the entry or exit of women and minors into and out of the country for prostitution, and provides for 5 to 10 years imprisonment, if convicted.¹¹⁸²

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 investigating and prosecuting cases of child sexual exploitation.¹¹⁸³ The Ministry of Labor houses the Office of Eradication of Child Labor and Protection of Adolescent Workers, which is responsible for coordinating all direct action programs, maintaining a database on all workers under the age of 18, coordinating the implementation of the National Plan and public policy, and training labor inspectors on child labor.¹¹⁸⁴ All labor inspectors are reportedly trained in child labor enforcement and the prevention of child exploitation.¹¹⁸⁵ To deal with child labor on a local level, a labor inspector is appointed in each Regional Office of the National Directorate of Labor Inspection.¹¹⁸⁶ Child labor

¹¹⁷⁵ 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 Daremblum, letter to USDOL official, September 6, 2002, and Daremblum, letter to USDOL official, October 23, 2001. See also *Código de la Niñez y la Adolescencia*, 1997, Article 78. See also Government of Costa Rica, *Código de Trabajo*, Articles 88 and 89.

¹¹⁷⁶ *Código de la Niñez y la Adolescencia*, 1997, Article 94. See also Daremblum, letter to USDOL official, September 6, 2002.. See also Daremblum, letter to USDOL official, October 23, 2001.

¹¹⁷⁷ *Código de la Niñez y la Adolescencia*, 1997, Article 95. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d.

¹¹⁷⁸ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d.

¹¹⁷⁹ U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000.

¹¹⁸⁰ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 5.

¹¹⁸¹ This provision is found in Article 170 of the Penal Code. See U.S. Embassy- San José, *unclassified telegram no. 1977*. See also U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6f.

¹¹⁸² 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 June 24, 2003]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaCostaRica.asp>.

¹¹⁸³ 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 to USDOL official, October 23, 2001, 3.

¹¹⁸⁴ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 7. See also Esmirna Sánchez Vargas, "Costa Rica: retos y avances en la erradicación del trabajo infantil, Oficina de Atención y Erradicación del Trabajo Infantil y Protección del Trabajador Adolescente," *Encuentros 4 Aportes* (April 2002), [cited June 24, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipcc/boletin/numero4/paraeldialogotres.html>.

¹¹⁸⁵ Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001, 8.

¹¹⁸⁶ Ministry of Foreign Trade, Submission to the US Department of Labor of a Report and Comments on Child Labor Issues, 6.

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.¹¹⁸⁷ In 2001, the Ministry of Labor received approximately 1,400 complaints of child labor, and launched a hotline for reporting such cases.¹¹⁸⁸ Due to limited resources, child labor regulations are not always enforced outside the formal economy.¹¹⁸⁹

The government effectively enforces its law against forced labor¹¹⁹⁰ and has been enforcing its prohibitions against the sexual exploitation of minors by raiding brothels and arresting pedophiles.¹¹⁹¹ Hundreds of investigations were launched in 2002 by the Special Prosecutor on Sex Crimes, leading to a handful of convictions.¹¹⁹² In June 2003, a special legislative commission focused on children and adolescents was created by the Legislative Assembly.¹¹⁹³

The Government of Costa Rica ratified ILO Convention 138 on June 11, 1976, and ILO Convention 182 on September 10, 2001.¹¹⁹⁴

¹¹⁸⁷ Darenblum, letter to USDOL official, October 23, 2001.

¹¹⁸⁸ U.S. Embassy- San José, *unclassified telegram no. 2725*.

¹¹⁸⁹ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6d. See also U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁹⁰ U.S. Department of State, *Country Reports- 2002: Costa Rica*, Section 6c.

¹¹⁹¹ *Ibid.*, Section 6f. See also U.S. Embassy- San José, *unclassified telegram no. 2082*, August 2001.

¹¹⁹² U.S. Department of State, *Trafficking in Persons Report: Costa Rica*.

¹¹⁹³ U.S. Embassy- San José, *unclassified telegram no. 2206*.

¹¹⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Côte d'Ivoire is an associated country of ILO-IPEC.¹¹⁹⁵ 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.¹¹⁹⁶ In September 2002, the Government of Côte d'Ivoire and NGOs held a forum in Bouaké that focused on the trafficking of Nigerian girls for the purpose of commercial sexual exploitation in urban areas of Côte d'Ivoire.¹¹⁹⁷ 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 prevention of trafficking, rehabilitation of victims, and the implementation of a September 2000 agreement between Côte d'Ivoire and Mali to combat child trafficking.¹¹⁹⁸ In the resulting Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.¹¹⁹⁹ The Government of Côte d'Ivoire has also worked with Burkina Faso and Togo to establish agreements similar to the one with Mali, but progress has stalled since the September 2002 rebellion.¹²⁰⁰

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 donors, funding of regional and international organizations, and direct funding for host government or local NGOs.¹²⁰¹

In July 2001, the National Committee for Combating Trafficking and Exploitation of Children was created in Côte d'Ivoire by presidential decree.¹²⁰² The government has also undertaken several educational and training programs to discourage domestic trafficking¹²⁰³ and is utilizing the police along the country's borders to stop international trafficking.¹²⁰⁴

¹¹⁹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹¹⁹⁶ 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.

¹¹⁹⁷ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Côte d'Ivoire*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18179pf.htm>.

¹¹⁹⁸ 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 28, 2003]; 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 August 28, 2003]; 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>.

¹¹⁹⁹ UN Integrated Regional Information Networks, *Regional Efforts Against Child Trafficking*.

¹²⁰⁰ U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 6f.

¹²⁰¹ 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.

¹²⁰² Ministry of Families, Women, and Children, *Combating Trafficking and Economic Exploitation of Children in Côte d'Ivoire*, Abidjan, July 2001, Section II.

¹²⁰³ U.S. Embassy- Abidjan, *unclassified telegram no. 2176*, June 2001.

¹²⁰⁴ Ministry of Families, Women, and Children, *Combating Trafficking and Economic Exploitation of Children*.

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.¹²⁰⁵ An ILO-IPEC program funded by USDOL and the Cocoa Global Issues Group, launched in August 2003, seeks to withdraw children from hazardous work in this sector, provide income generation and economic alternatives, and promote education.¹²⁰⁶ In collaboration with this project, in November 2003, US NGO Winrock held a round table on alternative education opportunities for children who work. Relevant ministries from the Government of Côte d'Ivoire and the U.S. Ambassador took part.¹²⁰⁷ 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.¹²⁰⁸ 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.¹²⁰⁹ A national survey of child labor in Côte d'Ivoire is currently in the preparation stages with technical assistance from ILO-IPEC's SIMPOC.¹²¹⁰

The government is also implementing a National Development Plan for Education, which calls for universal primary school education by 2010.¹²¹¹

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.¹²¹² 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.¹²¹³ The majority of working children

¹²⁰⁵ 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.

¹²⁰⁶ 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. See also Sherin Khan, ILO-IPEC official, electronic communication to USDOL official, February 19, 2004.

¹²⁰⁷ U.S. Embassy-Abidjan official, electronic communication to USDOL official, February 26, 2004.

¹²⁰⁸ ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme*, program document, 8, 12. See also USAID, *Trafficking in Persons: USAID's Response*, September 2001, 4.

¹²⁰⁹ 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.

¹²¹⁰ ILO-IPEC, *IPEC: International Programme on the Elimination of Child Labour- A UN/ILO initiative: SIMPOC*, in ILO-IPEC, [online] September 11, 2002 [cited June 26, 2003]; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/countries.htm>. The ongoing conflict in the country will likely slow progress on the project.

¹²¹¹ Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, UNICEF Statistics, Abidjan, December 2000, 24.

¹²¹² 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 October 10, 2003]; available from <http://www.ucw-project.org/resources/>. See also Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 48.

¹²¹³ Government of Côte d'Ivoire, *Multiple Indicator Cluster Survey 2*.

are found in the informal sector,¹²¹⁴ including on family farms, in family-operated artisanal gold and diamond mines, in fishing, in small trading, and in domestic work.¹²¹⁵ They also shine shoes, run errands, watch and wash cars, prepare and serve food in street restaurants, and work as vendors or in sweatshop conditions in small workshops.¹²¹⁶ There have also been reports of children serving as soldiers in both the national armed forces and rebel groups.¹²¹⁷

Children have been trafficked into the country from Benin, Burkina Faso, Ghana, Mali, Mauritania and Togo to work as domestic servants, farm laborers, and indentured servants.¹²¹⁸ Côte d'Ivoire is also a destination country for girls trafficked from Nigeria, Liberia and Asia for the purposes of commercial sexual exploitation.¹²¹⁹ Children have been trafficked out of Côte d'Ivoire to Africa, Europe and the Middle East.¹²²⁰ The September 2002 rebellion has resulted in the closure of borders with neighboring countries and a change in trafficking patterns.¹²²¹

The IITA study on children working in the cocoa sector revealed that in Côte d'Ivoire most children work alongside their families.¹²²² 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.¹²²³ Approximately one-third of children ages 6 to 17 years who live in cocoa producing households have never attended school.¹²²⁴ A minority of the children working in the cocoa sector in Côte d'Ivoire are engaged in full time work.¹²²⁵ 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.¹²²⁶

¹²¹⁴ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*, October 2001.

¹²¹⁵ Ibid. See also U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 6d. See also U.S. Embassy- Abidjan, *unclassified telegram no. 2046*, August, 2003.

¹²¹⁶ U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 6d.

¹²¹⁷ UN General Assembly, *Children and Armed Conflict: Report of the Secretary-General*, A/58/546-S/2003/1053, November 10, 2003, 20. See also Amnesty International, *Amnesty International Report 2003: Côte d'Ivoire*, London, 2003; available from <http://www.amnestyusa.org/annualreport/>. See also U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 5.

¹²¹⁸ U.S. Embassy- Abidjan, *unclassified telegram no. 2176*. See also U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Côte d'Ivoire*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

¹²¹⁹ U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*.

¹²²⁰ U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*.

¹²²¹ U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*, Section 6f.

¹²²² The Producer-Worker Survey revealed that 604,500 (96.7 percent) of the 625,100 children working in cocoa in Cote d'Ivoire had a kinship relation to the farmer. See International Institute of Tropical Agriculture, *Child Labor in the Cocoa Sector of West Africa: A synthesis of findings in Cameroon, Cote d'Ivoire, Ghana, and Nigeria*, August 2002, 16.

¹²²³ 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 28, 2003]; available from http://www.usaid.gov/press/releases/2002/pr020726_2.html.

¹²²⁴ International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*.

¹²²⁵ The Producer-Worker survey found that 5,120 children were employed as full-time hired workers in cocoa in Cote 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.

¹²²⁶ 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 Cote 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.

Primary education in Côte d'Ivoire is not compulsory.¹²²⁷ The government abolished uniforms for primary schools,¹²²⁸ and as of the 2001–2002 school year, tuition fees for primary school students were waived.¹²²⁹ However, parents must still pay an annual fee of 2,600 FCFA (USD 4.98) for each child's enrollment in public secondary schools and a monthly fee of 3,000 FCFA (USD 5.74) for transporting their secondary school children.¹²³⁰ Parents also are responsible for buying books and school supplies.¹²³¹ However, in September 2002, the government undertook the responsibility of distributing free textbooks to 1.2 million students attending 4,500 primary schools in 94 sub-prefects.¹²³² In 1999, and with support from UNDP and WFP, the Ministry of Education and Training launched a school lunch program in order to encourage families in rural areas to enroll their children, particularly girls.¹²³³ According to the program director, primary school enrollment in the implementing areas has risen by almost 40 percent as a result of the program.¹²³⁴ In response to the September 2002 rebellion, the program opened 600 new school canteens that reach over 65,000 displaced children.¹²³⁵ In rebel-occupied areas where classes had been suspended, the program, in collaboration with UNESCO, worked to reopen schools.¹²³⁶ Also, UNDP and the Belgian Chamber of Commerce have undertaken a joint initiative that includes the provision of school supplies to ensure the continued education of displaced children in Yamoussoukro.¹²³⁷

In 2000, the gross primary enrollment rate was 81.3 percent (92.2 percent for boys and 70.3 percent for girls), and the net primary enrollment rate was 64.2 percent (73.2 percent for boys and 55.2 percent for girls).¹²³⁸ In 1999, 90.7 percent of children enrolled in primary school reached grade 5.¹²³⁹ A UNICEF study in 2000 indicated that 56.9 percent of Ivorian children ages 6 to 11 attend school.¹²⁴⁰ 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).¹²⁴¹

¹²²⁷ U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 5.

¹²²⁸ Ibid.

¹²²⁹ U.S. Embassy–Abidjan, *unclassified telegram no. 3470*.

¹²³⁰ Ibid. For currency conversion see FXConverter, [online] [cited December 31, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

¹²³¹ U.S. Embassy–Abidjan, *unclassified telegram no. 3470*.

¹²³² 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.

¹²³³ UNDP, “Lunch Programme Helps Students Cope with Côte d'Ivoire Crisis”, UNDP Newsfront, [online], 2003 [cited June 24, 2003]; available from <http://www.undp.org/dpa/frontpagearchive/2003/may/28may03/>. See also U.S. Department of Agriculture Foreign Agricultural Service, *The Global Food for Education Pilot Program, Côte d'Ivoire: World Food Program*, FASonline, [report online] February, 2003 [cited June 18, 2003]; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/africa.htm>.

¹²³⁴ UNDP, “Lunch programme helps students”.

¹²³⁵ Ibid..

¹²³⁶ Ibid.

¹²³⁷ UNDP, *Intervention du Pnud dans la gestion de la crise*, in UNDP–Côte d'Ivoire, [online] [cited June 24, 2003]; available from [http://www.ci.undp.org/Intervention du pnud dans la gestion de la crise.html](http://www.ci.undp.org/Intervention%20du%20pnud%20dans%20la%20gestion%20de%20la%20crise.html).

¹²³⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹²³⁹ Ibid.

¹²⁴⁰ Government of Côte d'Ivoire, *Enquête à Indicateurs Multiples - MICS2000: Rapport Final*, 27–28.

¹²⁴¹ Ibid., 27.

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.¹²⁴² Decree No. 96-204 also prohibits night work by children aged 14 to 18 years, unless granted an exception by the Labor Inspectorate,¹²⁴³ and Decree No. 67-265 sets the minimum age for hazardous work at 18 years.¹²⁴⁴ 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 18.¹²⁴⁵ 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.¹²⁴⁶ Decree No. 96-193 restricts children from working in bars, hotels, pawnshops, and second-hand clothing stores.¹²⁴⁷

The Labor Code prohibits forced or compulsory labor,¹²⁴⁸ and according to the Penal Code, persons convicted of procuring a prostitute under age 21 may be imprisoned for 2 to 10 years.¹²⁴⁹ In 1998, the government instituted measures against the statutory rape of students by teachers in order to combat low enrollment rates among girls.¹²⁵⁰ 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.¹²⁵¹ Minimum age laws are enforced by the Ministry of Employment and Civil Service only in the civil service and in large multinational companies.¹²⁵²

There is no law specifically prohibiting trafficking in persons, although one is pending in the National Assembly, but the government prosecutes traffickers using laws against child kidnapping and forced labor.¹²⁵³

The Government of Côte d'Ivoire ratified ILO Convention 138 and ILO Convention 182 on February 7, 2003.¹²⁵⁴

¹²⁴² *Code du travail*, 1995, no. 95/15, Titre II, Chapter 2, Articles 22.2, 22.3 and 23.8 [cited August 28, 2003]; available from <http://natlex.ilo.org/txt/F95CIV01.htm>.

¹²⁴³ Decree No. 96-204, as cited in U.S. Embassy- Abidjan, *unclassified telegram no. 3470*. Employers found in violation of the night work prohibition are punishable with imprisonment from 10 days to 2 months and/or a fine ranging from 2,000 to 72,000 FCFA (USD 3.83 to 137.83). For currency conversion see FXConverter, at <http://www.carosta.de/frames/convert.htm>.

¹²⁴⁴ ILO, *The Effective Abolition of Child Labour*, 2001, 261.

¹²⁴⁵ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1993, Addendum*, CRC/C/8/Add.41, prepared by Government of Côte d'Ivoire, pursuant to Article 44 of the Convention on the Rights of the Child, 2000, para. 85.

¹²⁴⁶ *Code du travail*, 1995, Titre II, Chapter 3, Article 23.9.

¹²⁴⁷ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

¹²⁴⁸ *Code du travail*, 1995, "Dispositions Générales", Article 3.

¹²⁴⁹ UN Committee on the Rights of the Child, *Initial Report of States Parties, Addendum: Côte d'Ivoire*, para. 187.

¹²⁵⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Côte d'Ivoire*, Washington, D.C., March 4, 2002, 202-07, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8355.htm>.

¹²⁵¹ U.S. Embassy- Abidjan, *unclassified telegram no. 3470*.

¹²⁵² U.S. Department of State, *Country Reports - 2002: Côte d'Ivoire*, Section 6d.

¹²⁵³ U.S. Department of State, *Trafficking in Persons Report: Côte d'Ivoire*.

¹²⁵⁴ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 18, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 Program of Action for Children.¹²⁵⁵ The government approved a National Plan of Action on trafficking in 2002, and has a National Committee for Combating Trafficking in Persons.¹²⁵⁶

The government works with international organizations to assist trafficking victims, and cooperates with governments in the region. The government also conducts police training, and assisted an NGO network in establishing a victim hotline.¹²⁵⁷ The Government of Croatia signed the Agreement on Cooperation to Prevent and Combat Trans-border Crime with the Southeast European Cooperative Initiative.¹²⁵⁸ In addition, the government cooperates with the IOM,¹²⁵⁹ which 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.¹²⁶⁰ 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.¹²⁶¹ The Office for National Minorities has a special program for the inclusion of Roma children in the education system in Croatia.¹²⁶²

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.¹²⁶³ Reports indicate that Croatia is primarily a transit country, but to a limited extent is also a destination country for trafficking of children for commercial sexual exploitation.¹²⁶⁴ According to research

¹²⁵⁵ 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. See Government of Croatia, *National Report on Follow-up to the World Summit for Children, 2000*, UNICEF, 2000; available from http://www.unicef.org/specialsession/how_country/index.html.

¹²⁵⁶ The Plan was approved in November 2002. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Croatia*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18359.htm>.

¹²⁵⁷ U.S. Department of State, *Trafficking in Persons Report 2003: Croatia*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#croatia>.

¹²⁵⁸ UNICEF, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 119; available from <http://www.unicef.org/sexual-exploitation/trafficking-see.pdf>. The Government of Croatia is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

¹²⁵⁹ U.S. Department of State, *Trafficking in Persons Report: Croatia*.

¹²⁶⁰ UNICEF, *Trafficking in Human Beings in Southeastern Europe*, 119, 21, 23. See also IOM, *IOM Counter Trafficking Strategy for the Balkans and Neighbouring Countries*, January 2001, 2-3.

¹²⁶¹ 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; available from <http://www.unicef.org/balkans/donrep-seeur-2000.pdf>.

¹²⁶² Government of Croatia, *National Report- 2000: Croatia*.

¹²⁶³ USDOL, *Regulation of Child Labor in the Republic of Croatia*, 1998.

¹²⁶⁴ UNICEF, *Trafficking in Human Beings in Southeastern Europe*, 117.

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.¹²⁶⁵

Education is free and compulsory in Croatia.¹²⁶⁶ The Law of Primary Education (1990) requires 8 years mandatory education for children to begin at 6 years of age.¹²⁶⁷ Children generally complete compulsory education at age 14. However, most Croatian children remain in school until age 18.¹²⁶⁸ In 1997, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 84.1 percent.¹²⁶⁹ 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.¹²⁷⁰ 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.¹²⁷¹

Child Labor Laws and Enforcement

The Labor Law (No. 758/1995) sets the minimum age for employment at 15 years, and children ages 15 to 18 may only work with written permission from a legal guardian.¹²⁷² The minimum work age is enforced by the Ministry of Labor and Social Welfare.¹²⁷³ 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.¹²⁷⁴

The Constitution prohibits forced or bonded labor.¹²⁷⁵ There is no law specifically prohibiting trafficking in persons; however, trafficking-related offenses can be prosecuted under sections of the Criminal Code dealing with the establishment of slavery and transportation of slaves, and the illegal transfer of persons across state borders.¹²⁷⁶

¹²⁶⁵ The largest percent who had heard about child prostitution in their community was in Slavonia, which borders Hungary, the Former Republic of Yugoslavia, and Bosnia and Herzegovina. From 1996–1998, Slavonia also had the largest number of international peacekeepers. See *Ibid.*, 118.

¹²⁶⁶ *Constitution of the Republic of Croatia*, Article 65; available from <http://www.vlada.hr/english/docs-constitution.html>.

¹²⁶⁷ U.S. Embassy Croatia official, 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; available from <http://www2.unesco.org/wef/countryreports/croatia/contents.html>.

¹²⁶⁸ U.S. Department of State, *Country Reports- 2002: Croatia*, Section 5.

¹²⁶⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹²⁷⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹²⁷¹ 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; available from http://www.errc.org/rr_sum1998/field_report.shtml. Only a small fraction of Romani children in Croatia advance to secondary school. See U.S. Department of State, *Country Reports- 2002: Croatia*, Section 5.

¹²⁷² Children under age 15 may work or participate in artistic or entertainment functions (such as making movies) with special permission from the parent or guardian and the labor inspector, assuming that the work is not harmful to the child's health, morality, education, or development. See *Croatia Labor Law (No. 758/95)*, Articles 14 (1) (2) and 15; available from <http://natlex.ilo.org/txt/E95HRV01.htm>.

¹²⁷³ U.S. Department of State, *Country Reports- 2002: Croatia*, Section 6d.

¹²⁷⁴ *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; 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 Davor Stier, letter to USDOL official, October 10, 2000.

¹²⁷⁵ *Constitution of the Republic of Croatia*, Article 23. The penalty is imprisonment for 6 months to 5 years. See also Government of Croatia, *Criminal Code*, as cited in The Protection Project Legal Library; available from <http://209.190.246.239/protectionproject/statutesPDF/CROATIA.pdf>.

¹²⁷⁶ Government of Croatia, *Criminal Code*, Articles 175 and 78. From 1998 through August 2002, the government reported that 105 persons were prosecuted using related provisions of the Criminal Code, and 8 persons were convicted. See U.S. Department of State, *Country Reports- 2002: Croatia*, Section 6f.

The Criminal Code also outlaws international prostitution, including solicitation of a minor, and prohibits procurement of minors for sexual purposes.¹²⁷⁷ The law also forbids using children for pornographic purposes.¹²⁷⁸

The Government of Croatia ratified ILO Convention 138 on October 8, 1991, and ILO Convention 182 on July 17, 2001.¹²⁷⁹

¹²⁷⁷ Article 178 (1) of the Criminal Code indicates that international prostitution pertains to, “Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen” and Article 178 (2) indicates, “Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment....” The penalty for international prostitution involving a child or minor is imprisonment for 1 to 10 years. The penalty for procuring a child is imprisonment for 1 to 8 years. See Government of Croatia, *Criminal Code*, Articles 178-95.

¹²⁷⁸ The penalty for exploiting children or minors for pornographic purposes is imprisonment from 1 to 5 years. The penalty for exposing a child to pornography will be a fine or imprisonment for up to one year. *Ibid.*, Articles 196-97 as cited in Interpol, *Legislation of Interpol member states on sexual offenses against children*, [online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCroatia.asp>.

¹²⁷⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the Czech Republic adopted the National Plan Combating Commercial Sexual Abuse in July 2000 that sets measures to eliminate the worst forms of child labor such as child trafficking, child prostitution, and child pornography.¹²⁸⁰ The plan addresses the sexual exploitation of children and the rehabilitation of victims of sexual crimes.¹²⁸¹ The Interior Ministry's Crime Prevention Division launched a national media campaign on the dangers of trafficking, and a school-based awareness program for children aged 13 to 14 years.¹²⁸² The government also broadened the definition of trafficking victims under the Criminal Code and raised the penalty from 5 to 12 years for traffickers who severely harm their victims.¹²⁸³ An amendment to Article 216 (b) of the Criminal Code came into force on July 1, 2002, to apply ILO Convention 182 unconditionally to all persons under 18 years old.¹²⁸⁴

In 2002, the government provided some funding to local NGOs that provide assistance to trafficking victims and those at risk of being trafficking.¹²⁸⁵ With funding from the U.S. Department of State, the NGO La Strada implemented an awareness-raising program for Czech law enforcement officers on the needs of trafficking victims and to develop an information database on trafficking.¹²⁸⁶

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 and government reports indicate that commercial sexual exploitation, including the involvement of children in sex tourism, is a problem.¹²⁸⁷ There are some reports of the internal trafficking of Czech children from areas of low employment near border regions with Germany and Austria. Girls from the former Soviet Union, Africa, Asia, and the Middle East are trafficked to the Czech Republic for sexual exploitation.¹²⁸⁸

¹²⁸⁰ U.S. Embassy- Prague, *unclassified telegram no. 2689*, October 21, 2002. See also ILO, *Review of Annual Reports: The Effective Abolition of Child Labor, Czech Republic*, GB.277/3/2, Geneva, March 2000, 325-6; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-abol.pdf>.

¹²⁸¹ The Interior Ministry is assigned the lead role of coordination of these efforts. See U.S. Embassy- Prague, *unclassified telegram no. 2689*. Czech officials cooperate extensively with other Central and Eastern European Countries, EU members and the United States to investigate and prosecute trafficking cases. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Czech Republic*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18361.htm>.

¹²⁸² U.S. Department of State, *Trafficking in Persons Report- 2003: Czech Republic*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#czechrepublic>.

¹²⁸³ Ibid.

¹²⁸⁴ U.S. Embassy- Prague, *unclassified telegram no. 1548*, August 14, 2003.

¹²⁸⁵ U.S. Department of State, *Country Reports- 2002: Czech Republic*, Section 6f.

¹²⁸⁶ La Strada - Czech Republic, *La Strada Projects*, May 6, 2003 [cited July 28, 2003]; available from http://www.strada.cz/czechia/index_en.html.

¹²⁸⁷ European Parliament, *Trafficking in Women*, working paper, Brussels, March 2000, 65, 66. See also U.S. Department of State, *Country Reports- 2002: Czech Republic*, Sections 5 and 6f.

¹²⁸⁸ U.S. Department of State, *Country Reports- 2002: Czech Republic*, Section 6f.

Education is compulsory and free for citizens.¹²⁸⁹ Compulsory school attendance lasts nine years in accordance with an amendment of the Education Act No. 138/1995.¹²⁹⁰ In 2000, the gross primary enrollment rate was 104.3 percent, and the net primary enrollment rate was 90.3 percent.¹²⁹¹ Ethnic Roma children attend school less regularly, and disproportionately attend “special schools” for mentally disabled or socially maladjusted individuals; however, the government has made efforts in recent years to address this problem by employing more Roma teaching assistants, improving schools’ communication with parents and offering an additional year of pre-school instruction to children to prepare them to enter primary school.¹²⁹²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years and requires that youth aged 15 to 18 years receive special care and protection.¹²⁹³ Overtime and night work are prohibited for minors, except for children over 16 years of age, who may work for 1 hour past the normal daytime hours.¹²⁹⁴ The Criminal Code provides for an imprisonment term of up to 3 years or a fine for a person that provides a child to another person for the purpose of child labor.¹²⁹⁵ Forced labor or service is prohibited in the Charter of Fundamental Rights and Freedoms.¹²⁹⁶ In 2000, legislation was enacted that excluded minors from military services.¹²⁹⁷ In that same year, the Social Protection of Children law came into force that protects children in accordance with the Convention on the Rights of the Child.¹²⁹⁸

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 3 to 8 years.¹²⁹⁹ 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 15.¹³⁰⁰ In July 2002, amendments to the Criminal Code and the

¹²⁸⁹ *Charter of Fundamental Rights and Freedoms*, Article 33; available from <http://www.psp.cz/cgi-bin/eng/docs/laws/listina.html>.

¹²⁹⁰ Government of the Czech Republic, *Review Report on Follow-up to the World Summit for Children, 2000*, UNICEF, [online] May 2002 [cited August 19, 2003], 18; available from http://www.unicef.org/specialsession/how_country/edr_czechrep_en.PDF. See also UNESCO, *World Data on Education- 2001: Czech Republic Country Report*, International Bureau of Education, [online] April 2000 [cited August 19, 2003]; available from http://nt5.scbbs.com/cgi-bin/om_isapi.dll?clientID=400834&infobase=iwde.nfo&softpage=PL_frame.

¹²⁹¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹²⁹² 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 barriers 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- 2002: Czech Republic*, Section 5.

¹²⁹³ 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 Government of the Czech Republic, *Labor Code No. 65/1965*; available from <http://www.czech.cz/index.php?section=6&menu=4>. The 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–Bucharest, *unclassified telegram no. 1548*, August 14, 2003.

¹²⁹⁴ *Labor Code No. 65/1965*, Section 166.

¹²⁹⁵ Punishment is imprisonment from 3 to 10 years if the offense caused severe injury, death, or some other serious consequence. See Government of the Czech Republic, *Criminal Code No. 140/1961*, Article 216a.

¹²⁹⁶ *Charter of Fundamental Rights and Freedoms*, Chapter 2, Division 1, Article 9.

¹²⁹⁷ U.S. Embassy–Prague, *unclassified telegram no. 1548*.

¹²⁹⁸ The law also strengthens protection for children against pornography, violence, gambling, and sexual abuse. See *Ibid*.

¹²⁹⁹ *Criminal Code*, Article 246, as cited by Interpol, “Legislation of Interpol member states on sexual offenses against children” [cited July 28, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaCzechRepublic.asp>.

¹³⁰⁰ If such an offense is committed against a person under the age of 18, the penalty is 2 to 8 years imprisonment. See *Ibid.*, Articles 204 and 05.

Criminal Procedure Act came into force that harmonize Czech law with that of the European Union and incorporate into Czech law the Optional Protocol to the Convention on the Rights of the Child addressing the sale of children, child prostitution and child pornography.¹³⁰¹

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 inspections and investigations. In 2003, an official with the Ministry of Labor and Social Affairs reported that there had been no registered violations of child labor laws or standards of working conditions for working minors in the last 13 years.¹³⁰² In 2003, an amendment of the proposed health care legislation will be submitted to clarify healthcare providers' responsibilities about suspected cases of sexual exploitation of children.¹³⁰³

The government has continued to make efforts to increase enforcement of legislation regarding child sexual exploitation. The Anti-Organized Crime Police has a unit specifically trained to address cases of human trafficking, and the Interior Ministry works with NGOs to train trafficking investigators and police. The government also cooperates with regional partners such as German and Austrian police to investigate and prosecute trafficking cases.¹³⁰⁴ In 2002, the Czech Republic investigated 19 cases under the trafficking in persons statute and made 139 trafficking-related arrests. In June 2002, Czech authorities collaborated with their counterparts in Germany, Austria, Bulgaria and Romania to conduct a series of raids on suspected traffickers. The government's efforts to enforce trafficking along the Polish and Slovak border are weaker, but European Union assistance to the government aims to remedy this.¹³⁰⁵ Victims who testify against a trafficker may be offered temporary residence, a work permit, social assistance, and in extreme cases, police protection.¹³⁰⁶

The Government of the Czech Republic has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 19, 2001.¹³⁰⁷

¹³⁰¹ U.S. Embassy- Prague, *unclassified telegram no. 1548*.

¹³⁰² Ibid.

¹³⁰³ Ibid.

¹³⁰⁴ U.S. Department of State, *Trafficking in Persons Report: Czech Republic*.

¹³⁰⁵ Ibid.

¹³⁰⁶ Ibid.

¹³⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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."¹³⁰⁸ The government is translating the Convention on the Rights of the Child, which includes provisions on child labor, into the national languages (Afar, Somali).¹³⁰⁹ With assistance from 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 for the advancement and protection of girls.¹³¹⁰ November 20 is the Djiboutian Day of the Child; on this day each year children's rights are discussed in schools, NGOs and in the media, and children participate in shows and debates.¹³¹¹

The World Bank supports several projects in Djibouti. The School Access and Improvement Project is building new classrooms for primary and secondary schools, upgrading training materials, providing training, and improving government capacity to manage education reform.¹³¹² The Social Development and Public Works Project is enhancing living standards in Djibouti by construction/rehabilitation of social infrastructures such as stand pipes, health posts, and schools.¹³¹³ On October 8, 2002, the Ministry of Justice, in collaboration with UNICEF, organized an awareness seminar on the rights of children.¹³¹⁴

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.¹³¹⁵ 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.¹³¹⁶ Children displaced from Ethiopia, Eritrea and Somalia seek work in the informal sector in Djibouti's cities as shoe polishers,

¹³⁰⁸ U.S. Embassy- Djibouti, *unclassified telegram no. 1503*, August 2000. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1072*, October 2002.

¹³⁰⁹ UN Committee on the Rights of the Child, *Summary Record of the 637th Meeting: Djibouti*, CRC/C/SR.637, United Nations, Geneva, January 8, 2001, para.23; available from http://www.bayefsky.com/summary/djibouti_crc_c_sr.6372000.php.

¹³¹⁰ *Ibid.*, para. 3.

¹³¹¹ *Ibid.*, para.22.

¹³¹² World Bank, *School Access and Improvement Project*, [online] June 4, 2003 [cited June 6, 2003]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P044585>.

¹³¹³ World Bank, *Social Development and Public Works Project*, in Projects Database, [database online] September 16, 2002 [cited September 18, 2002]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P044584>.

¹³¹⁴ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

¹³¹⁵ *Ibid.* See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1993*, CRC/C/8/Add.39, prepared by Government of Djibouti, pursuant to Article 44 of the Convention on the Rights of the Child, February 1998, para.144-45; available from http://66.36.242.93/reports/djibouti_crc_c_8_add.39_1998.php.

¹³¹⁶ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, paras. 144-45.

street peddlers, money changers, or as beggars.¹³¹⁷ Child prostitution reportedly is increasing, particularly among refugee street children in the capital city.¹³¹⁸

Education is free and compulsory for children between the ages of 6 and 16.¹³¹⁹ Although education is free, there are additional expenses (e.g., transportation and books) that often prohibit poor families from sending their children to school.¹³²⁰ In 2000, the gross primary enrollment rate was 40.3 percent, and the net primary enrollment rate was 32.6 percent.¹³²¹ Both gross and net enrollment rates are lower for girls than for boys.¹³²² In 1998, 76.7 percent of children enrolled in primary school reached grade 5.¹³²³ 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.¹³²⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹³²⁵ Night work is prohibited for children under the age of 16, and the hours and conditions of work by children are regulated.¹³²⁶ Forced labor of children is also prohibited.¹³²⁷ Djiboutian law criminalizes prostitution.¹³²⁸ The authority to enforce child labor laws and regulation rests with the Police Vice Squad "Brigade Des Moeurs" and the local Gendarmerie.¹³²⁹ The government however has a shortage of labor inspectors and financial resources, which reduces the likelihood of enforcement of child labor laws.¹³³⁰ Child labor offences fall under the Criminal Code with the first offence being punishable with a fine and the second offence punishable with imprisonment.

The Government of Djibouti has not ratified ILO Convention 138 or ILO Convention 182.¹³³¹

¹³¹⁷ 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 UN Integrated Regional Information Networks, "Djibouti: Drought and Economic Refugees Overburden Capital", IRINnews.org, [online], 2001 [cited June 6, 2003]; available from http://irinnews.org/report.asp?ReportID=11104&SelectRegion=Horn_of_Africa&SelectCountry=DJIBOUTI.

¹³¹⁸ ECPAT International, *Djibouti*, in ECPAT International, [database online] [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Djibouti*, CRC/C/15/Add.131, United Nations, Geneva, June 2000, para. 57; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.131.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.131.En?OpenDocument). See also UN Integrated Regional Information Networks, "Djibouti: Drought and Economic Refugees Overburden Capital".

¹³¹⁹ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Djibouti*, Washington D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18180.htm>.

¹³²⁰ U.S. Department of State, *Country Reports- 2002: Djibouti*, Section 5. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1503*.

¹³²¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington D.C., 2003.

¹³²² In 2000, the gross primary enrollment rate was 34.7 percent for girls and 45.9 percent for boys. The net primary enrollment rate was 28.42 percent for girls and 36.76 percent for boys. Ibid. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

¹³²³ World Bank, *World Development Indicators 2003*.

¹³²⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹³²⁵ See ILO, *The Effective Abolition of Child Labour: Djibouti*. See also U.S. Department of State, *Country Reports- 2002: Djibouti*, Section 6d. 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*.

¹³²⁶ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 25.

¹³²⁷ U.S. Department of State, *Country Reports- 2002: Djibouti*, Section 6c.

¹³²⁸ ECPAT International, *Djibouti*. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para.148.

¹³²⁹ U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

¹³³⁰ U.S. Department of State, *Country Reports- 2002: Djibouti*, Section 6d. See also U.S. Embassy- Djibouti, *unclassified telegram no. 1072*.

¹³³¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited April 29, 2003]; available from <http://www.ilo.org/ilolex/english/docs/declAF.htm>.

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

From 1996 to 2001, the Government of Dominica implemented a 5-year Basic Education Reform Project with assistance from the World Bank,¹³³² which focused on strengthening management and planning at the Ministry of Education; 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 identifying more cost effective methods for selecting, acquiring and distributing educational materials.¹³³³

The government plans to expand and improve the quality of secondary education by 2005.¹³³⁴ 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, and scientific skills for all learners; ensuring computer literacy in schools; and strengthening the role of civil society in planning, implementing and evaluating educational reform.¹³³⁵

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.¹³³⁶ 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.¹³³⁷

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Dominica are unavailable. However, some children help their families on a seasonal basis in agriculture,¹³³⁸ and it has been reported that Dominica is a transit and destination country for trafficking activities.¹³³⁹ Under the Education Act of 1997, schooling is compulsory from ages 5 to 16.¹³⁴⁰ In 2002, the gross primary enrollment rate was 92.7 percent, and the net primary

¹³³² Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication to USDOL official, August 22, 2002.

¹³³³ 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 August 28, 2003]; available from <http://www2.unesco.org/wef/countryreports/dominica/contents.html>.

¹³³⁴ Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication, August 22, 2002. See also UNESCO, *EFA 2000 Report: Dominica*.

¹³³⁵ Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication, August 22, 2002.

¹³³⁶ Government of Canada, *Canadian Cooperation in the Caribbean 2000 Edition: Dominica*, CIDA.gc.ca, [cited August 28, 2003]; available from <http://www.acdi-cida.gc.ca/index-e.htm>.

¹³³⁷ Ibid.

¹³³⁸ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

¹³³⁹ Dominica is a transit point for trafficking from Dominican Republic to St. Martin and a destination for sex tourists from North America and Europe. See The Protection Project, *Trafficking in Persons, Especially Women and Children in the Countries of the Americas*, November, 2002; available from <http://209.190.246.239/iomz.pdf>.

¹³⁴⁰ Education Planning Unit Official, Ministry of Education, Sports, and Youth Affairs, facsimile communication, August 22, 2002.

enrollment rate was 89.9 percent.¹³⁴¹ 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.¹³⁴² 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.¹³⁴³

Child Labor Laws and Enforcement

Conflicting legislation concerning the minimum age for employment defines a child as an individual under 12 and 14 years respectively.¹³⁴⁴ The Employment of Women, Young Persons and Children Act places restrictions on the employment of young persons at night.¹³⁴⁵ The Constitution prohibits slavery, servitude and forced labor,¹³⁴⁶ and protects the fundamental rights and freedoms of every person in Dominica, whether a national or non-national.¹³⁴⁷ There are no laws that specifically prohibit trafficking in persons¹³⁴⁸ or child pornography,¹³⁴⁹ but the Sexual Offenses Act of 1998 prohibits prostitution.¹³⁵⁰ The Sexual Offenses Act also prohibits the defilement of girls under 16 years of age, unlawful detention of a woman or girl for sexual purposes, and the procurement of any person using threats, intimidation, false pretenses or the administration of drugs.¹³⁵¹

The Government of Dominica ratified ILO Convention 138 on September 27, 1983 and ratified ILO Convention 182 on January 4, 2001.¹³⁵²

¹³⁴¹ Ibid.

¹³⁴² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹³⁴³ U.S. Embassy- Bridgetown, *unclassified telegram no. 1126*. See also, UNESCO, *EFA 2000 Report: Dominica*.

¹³⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Dominica*, Washington, D.C., March 31, 2003, Section 6d [cited August 27, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/index.htm>. Previous Department of State Country Reports indicated that the minimum age for admission into employment in Dominica is 15 years. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Dominica*, Washington, D.C., March 4, 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8340pf.htm>.

¹³⁴⁵ Government of the Commonwealth of Dominica, *Employment of Women, Young Persons and Children Act (L.f.5 of 1938)*, (February 1, 1939), [cited August 28, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹³⁴⁶ *The Commonwealth of Dominica Constitution Order, 1978 No. 1027*, (November 3, 1978), Chapter 1, Section 4, 1-2 [cited August 27, 2003]; available from <http://www.georgetown.edu/pdba/Constitutions/Dominica/const.html>.

¹³⁴⁷ Ibid., Chapter 1, Section 1. See also Edward A. Alexander, *Caribbean Workers on the Move: Dominica*, IOM, June 19-20, 2000, 2-4.

¹³⁴⁸ U.S. Department of State, *Country Reports- 2002: Dominica*, Section 6f.

¹³⁴⁹ Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: Dominica*, Interpol.int, [online] [cited August 28, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaDominique.asp>.

¹³⁵⁰ Government of the Commonwealth of Dominica, *Sexual Offences Act 1998 (No. 1 of 1998)*, (April 22, 1998), [cited August 28, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹³⁵¹ These provisions are found in Articles 2, 3, 4, and 7 of the Sexual Offenses Act. See Interpol, *Sexual Offences Against Children: Dominica*, III.

¹³⁵² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2003]; available from <http://www.ilo.org/ilolex/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 1997.¹³⁵³ 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 1997.¹³⁵⁴ In December 1998, a two-year pilot project was launched to eliminate and prevent child labor in Constanza,¹³⁵⁵ followed by a USDOL-funded ILO-IPEC project in September 2001 to make Constanza the first municipality free of child labor.¹³⁵⁶ 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.¹³⁵⁷ With funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, the Ministry of Labor conducted a national child labor survey.¹³⁵⁸ 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 have been or are being conducted in rural and urban sectors.¹³⁵⁹

In April 2002, ILO-IPEC carried out a study on child domestic work.¹³⁶⁰ With other donor funding, ILO-IPEC is carrying out a project in Santo Domingo and Santiago aimed at raising awareness and providing direct attention to children involved in domestic work in the homes of third parties.¹³⁶¹ 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 targets children working under hazardous conditions in agriculture, in the informal urban sector, and engaged in commercial sexual exploitation.¹³⁶² In August 2003, USDOL funded a Child Labor Education Initiative Program aimed at improving quality and access to basic education, in support of the Time-Bound Program's efforts.¹³⁶³ The Government of the Dominican Republic, especially the Ministry of Labor, has been supportive of these efforts to combat child labor through political and financial commitments.¹³⁶⁴ In January 2002,

¹³⁵³ ILO-IPEC, *All About IPEC: Programme Countries*, August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹³⁵⁴ 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, 6, 10. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 3919*, September 2001.

¹³⁵⁵ 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.

¹³⁵⁶ 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, 3. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 0292*.

¹³⁵⁷ ILO-IPEC, *Prevention and Elimination of Child Labor in the Tomato Producing Sector in the Province of Azua*, project document, DOM/00/P50/USA, Geneva, June - July 2000. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, DOM/99/05/050, Geneva, 1999.

¹³⁵⁸ ILO-IPEC, *Central America: SIMPOC*, project document, CAM/99/05/050, Geneva, 1999, 11.

¹³⁵⁹ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 3, 8. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002.

¹³⁶⁰ 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.

¹³⁶¹ Rigoberto Astorga, ILO official, electronic communication to USDOL official, September 16, 2002.

¹³⁶² ILO-IPEC, *Timebound Program*, project document, cover, 16.

¹³⁶³ *Cooperative Agreement E-9-K-3-0054*, between USDOL and DevTech Systems, on the Combating Child Labor Through Education Project in the Dominican Republic, in support of the Timebound Program.

¹³⁶⁴ ILO-IPEC, *Timebound Program*, project document, 2, 7. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 0292*.

the Ministry of Labor 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.¹³⁶⁵

In July 2002, an agreement was signed between the National Prosecutor's Office and the Association of Hotels to combat the commercial sexual exploitation of children in the tourism sector.¹³⁶⁶ In support of the anti-trafficking legislation adopted in August 2003, the USAID Mission in the Dominican Republic is providing training to victim protection agencies, as well as justice sector and other government officials.¹³⁶⁷ Also in August, under the auspices of the Inter-institutional Commission to Prevent and Eliminate Commercial Sexual Exploitation, the government launched a media campaign warning potential abusers of the penalties for the commercial sexual exploitation of minors.¹³⁶⁸

From 1992-2002, government policy on education has been coordinated through its Ten-Year Education Plan,¹³⁶⁹ which had some notable achievements in improving basic education coverage, increasing enrollment in preschool and secondary education, and decreasing the dropout rate.¹³⁷⁰ On April 30, 2003, the new Dominican Education Strategic Development Plan (2003-2012) was officially launched,¹³⁷¹ which will support ongoing efforts to improve access, retention, and the quality of education, including preschool education.¹³⁷² With support from UNICEF, the IDB, and Plan International, 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.¹³⁷³ In support of the Ministry of Education's Ten-Year Plan, in 1995, the World Bank, IDB, and local contributors funded an ongoing Basic Education Improvement Project to improve school infrastructures, expand school nutrition programs, train teachers, and improve monitoring and evaluation in the education sector.¹³⁷⁴ In addition, in 2002,

¹³⁶⁵ Government of the Dominican Republic, *Informe Sobre los Esfuerzos de Nuestro País para Eliminar las Peores Formas del Trabajo Infantil*, 6, 7.

¹³⁶⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Dominican Republic*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18329.htm>.

¹³⁶⁷ U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003.

¹³⁶⁸ Funding for this campaign has been provided by the Governments of the Dominican Republic, Germany, Italy, and the United States. See U.S. Embassy- Santo Domingo official, electronic communication to USDOL official, February 17, 2004.

¹³⁶⁹ 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, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 7.

¹³⁷⁰ ILO-IPEC, *Timebound Program*, project document, 7. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 1782*, April 2001.

¹³⁷¹ ILO-IPEC, *Combating the Worst Forms of Child Labour in the Dominican Republic - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in the Dominican Republic*, Technical Progress Report, Geneva, June 15, 2003, 4. See also Ministry of Education, *Plan Estratégico de Desarrollo de la Educación Dominicana 2003-2012*, April 2003.

¹³⁷² ILO-IPEC, *Timebound Program*, project document, 8. See also Secretary of Education of the Dominican Republic, *Construir un futuro solidario: voluntad de la Nación*, *Plan Estratégico de la Educación Dominicana 2003-2012* (2003).

¹³⁷³ *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 were only prepared for 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 ILO-IPEC, *Timebound Program*, project document, 8. See also Secretary of Education of the Dominican Republic and Fundación Volvamos a la Gente, *Síntesis de Resultados, Proyecto: Escuela Multigrado Innovada*, UNICEF, 1. See also Inter-American Development Bank, *Basic Education Project III*.

¹³⁷⁴ Inter-American Development Bank, *Basic Education Improvement Program*, [online] 1995 [cited July 10, 2003]; available from <http://www.iadb.org/EXR/doc98/apr/dr897e.htm>. See also Inter-American Development Bank, *IDB Approves \$52 million for Basic Education in Dominican Republic*, press release, Basic Education Improvement Program, October 30, 1995, [cited July 10, 2003]; available from <http://www.iadb.org/exr/PRENSA/1995/cp23695e.htm>. See also World Bank, *Basic Education Development (02) Project*, in Projects Database, [database online] June 27, [cited July 10, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P035494>.

the World Bank approved a USD 42 million loan to increase the number of preschools and provide teacher training.¹³⁷⁵ In January 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.¹³⁷⁶ In November 2002, the IDB approved a project aimed at improving the educational achievement of children in rural and marginal urban areas; improving the management of schools; and promoting initiatives developed under the Educational Development Plan.¹³⁷⁷ Currently, the government is providing a USD 10 monthly stipend to poor mothers who keep their children in school and out of work. The government also provides free school breakfasts, nationwide, in order to promote attendance.¹³⁷⁸

Incidence and Nature of Child Labor

In 2001, the Ministry of Labor and the National Statistics Office reported that 17.7 percent of children ages 5 to 17 years in the Dominican Republic were working.¹³⁷⁹ Children work as agricultural workers, street vendors, shoe shiners, and domestic servants.¹³⁸⁰ Some Haitian and Dominican children participate in the planting and cutting of sugarcane.¹³⁸¹ Children also work as domestic servants in homes of third parties.¹³⁸² Children from poor families are sometimes “adopted” into the homes of other families, often serving under a kind of indentured servitude, while other poor and homeless Haitian and Dominican children are sometimes forced to beg and sell goods on the streets.¹³⁸³

The commercial sexual exploitation of children is reported to be a problem in urban areas, as well as in tourist locations throughout the country.¹³⁸⁴ According to a study sponsored by UNICEF and the National Planning

¹³⁷⁵ ILO-IPEC, *Timebound Program, project document*, 8. See also World Bank, *Early Childhood Education Project*, in Projects Database, [database online] June 27, [cited July 10, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P054937>.

¹³⁷⁶ Inter-American Development Bank, *Basic Education Project III*.

¹³⁷⁷ Inter-American Development Bank, *Dominican Republic Multiphase Program for Equity in Basic Education Phase I*, [online] 2002 [cited July 13, 2003]; available from <http://www.iadb.org/exr/doc98/apr/dr1429e.pdf>. See also Inter-American Development Bank, *Approved Projects—Dominican Republic*, [online] June 19 2003 [cited July 13, 2003]; available from <http://www.iadb.org/exr/doc98/apr/lcdomi.htm>.

¹³⁷⁸ U.S. Embassy– Santo Domingo, *unclassified telegram no. 4415*, August 22, 2003.

¹³⁷⁹ This percentage represents 428,720 children in this age group. See ILO-IPEC, *Timebound Program, project document*, 3. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6d [cited April 3, 2003]. In 2001, the World Bank and the ILO estimated that, in the Dominican Republic, 12.63 percent of children between the ages of 10 and 14 were working. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, 124,000 children ages 10 to 14 were economically active. ILO, *Yearbook of Labor Statistics 2002*, [online] 2002 [cited July 13, 2003]; available from <http://laborsta.ilo.org/cgi-bin/brokerserv8.exe>. In May 2001, with support from UNICEF, the Government of the Dominican Republic released results from its Multiple Indicator Cluster Survey, which included information on child labor and education. Maritza and Polanco Molina Achezar, Juan Jose, *Encuesta por Conglomerados de Indicadores Múltiples (MICS-2000)*, Santo Domingo, May 2001.

¹³⁸⁰ Almost three quarters of working children are boys, and more children work in urban areas than in rural areas. See ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour, project document*, 1, 7. See also ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as*.

¹³⁸¹ U.S. Embassy– Santo Domingo, *unclassified telegram no. 4415*. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6d. See also U.S. Embassy– Santo Domingo, *unclassified telegram no. 3869*, October 2002.

¹³⁸² ILO-IPEC, *Esto no es un juego: Un estudio exploratorio*, 17–18.

¹³⁸³ 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- 2002: Dominican Republic*, Sections 5 and 6c.

¹³⁸⁴ ILO-IPEC, *Explotación sexual comercial de personas menores de edad en República Dominicana*, September 2002, 13. See also 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, 6–9. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2002: Dominican Republic*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

Office in 1999, 75 percent of minors involved in prostitution were working in brothels, discos, restaurants, and hotels.¹³⁸⁵ There are reports that women and children are trafficked to, from, and within the Dominican Republic particularly for the purpose of commercial sexual exploitation, including prostitution.¹³⁸⁶ There are also reports that poor children are trafficked internally to work as domestics.¹³⁸⁷ The Directorate of Migration has estimated that approximately 400 rings of alien smugglers, traffickers, and purveyors of false documents operate within the country.¹³⁸⁸ Haitian children are reportedly trafficked to the Dominican Republic¹³⁸⁹ to work as shoe shiners, street vendors, in agriculture, and to beg in the streets.¹³⁹⁰

Formal basic education is free and compulsory for eight years.¹³⁹¹ In 2000, the gross primary enrollment rate was 124 percent,¹³⁹² and the net primary enrollment rate was 92.5 percent.¹³⁹³ In 1999, the repetition rate was 5.6 percent and the dropout rate was 14.4 percent for children enrolled in grades one to eight.¹³⁹⁴ In 1998, 75.1 percent of children persisted to grade five.¹³⁹⁵ 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.¹³⁹⁶

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 16.¹³⁹⁷ Youth under 16 may not work more than 6 hours a day, and must have a medical certificate in order to work.¹³⁹⁸ They are restricted from performing night work and from working more than 12 hours consecutively. Youth under 16 are also prohibited from performing ambulatory work, delivery work, or work in establishments that serve alcohol.¹³⁹⁹ Article 254 of the Labor Code requires employers to ensure that

¹³⁸⁵ Emmanuel Silvestre, Jaime Rijo, and Huberto Bogaert, *La Neo-Prostitución Infantil en República Dominicana*, UNICEF and ONAPLAN, 1999, 33. See also Mercedes Gonzalez, "La explotación sexual y laboral de niños," *El Siglo*, August 20, 2000.

¹³⁸⁶ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁸⁷ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁸⁸ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹³⁸⁹ U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹³⁹⁰ UNICEF/OIM, *Tráfico de Niños Haitianos hacia República Dominicana*, July 2002, 31. See also IOM, *Dominican Republic - Workshop on Counter Trafficking: Press Briefing Notes*, [online] August 2002 [cited August 9, 2002], hardcopy on file; available from <http://www.iom.int/en/news/PBN200802.shtml>. See also U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹³⁹¹ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 5. See also UNESCO, *Statistics: National Education Systems*, [online]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹³⁹² World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Database* Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>.

¹³⁹³ World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Database*.

¹³⁹⁴ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 6.

¹³⁹⁵ World Bank, *World Development Indicators 2003*.

¹³⁹⁶ ILO-IPEC, *Preparatory Activities for the Elimination of the Worst Forms of Child Labour*, project document, 7. See also ILO-IPEC, *Timebound Program*, project document, 13.

¹³⁹⁷ *Código de Trabajo de la República Dominicana 1999*, Articles 245, 46, 47. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹³⁹⁸ *Código de Trabajo 1999*, Artículos 247, 48. 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 also Secretary of State of Labor, *Preguntas y Respuestas*, [online] [cited July 10, 2003]; available from <http://www.set.gov.do/preguntas/menor.htm>.

¹³⁹⁹ *Código de Trabajo 1999*, Articles 246, 49.

minors continue their schooling.¹⁴⁰⁰ On August 7, 2003, the Code for the Protection of Children and Adolescents was promulgated.¹⁴⁰¹

Forced and bonded labor is prohibited under the law.¹⁴⁰² Articles 410 and 411 of the new children's code criminalize child prostitution and child pornography.¹⁴⁰³ Laws prohibit procurement of prostitution.¹⁴⁰⁴ On August 7, 2003, the Government of the Dominican Republic promulgated an anti-trafficking law, which outlines measures to be taken by government institutions on protection, prosecution, and prevention efforts against trafficking. The new law prohibits all severe forms of trafficking.¹⁴⁰⁵ Other existing laws can also be applied to smuggling, kidnapping, and violence in order to prosecute traffickers.¹⁴⁰⁶ These laws impose fines and imprisonment of 2 to 10 years for traffickers involved in promoting prostitution.¹⁴⁰⁷ In April 2003, the Attorney General announced the creation of a special department against the commercial sexual exploitation of children, which will support case investigations and application of sentences.¹⁴⁰⁸

The Ministry of Labor is responsible for enforcing child labor laws in coordination with the National Council for Children and Adolescents.¹⁴⁰⁹ In 2000, the Government of the Dominican Republic has over 200 labor inspectors charged with the enforcement of the child labor laws, health and safety legislation, and the minimum wage. Article 720 of the Labor Code imposes penalties on child labor violators, which include fines and jail sentences.¹⁴¹⁰ The Ministry of Labor has taken employers in violation of the law to court.¹⁴¹¹ 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.¹⁴¹²

The Government of the Dominican Republic ratified ILO Convention 138 on June 15, 1999 and ILO Convention 182 on November 15, 2000.¹⁴¹³

¹⁴⁰⁰ Ibid., Article 254.

¹⁴⁰¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 4415*.

¹⁴⁰² U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6c.

¹⁴⁰³ U.S. Embassy-Santo Domingo official, electronic communication to USDOL official, February 27, 2004.

¹⁴⁰⁴ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹⁴⁰⁵ ILO-IPEC, *Technical Progress Report, Supporting the TBP for the elimination of the worst forms of child labor in the Dominican Republic*, September 15, 2003, 2. See also *Ley contra el Trafico Ilicito de Migrantes y Trata de Personas*, (August 8, 2003).

¹⁴⁰⁶ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Dominican Republic*.

¹⁴⁰⁷ U.S. Department of State, *Country Reports- 2002: Dominican Republic*, Section 6f.

¹⁴⁰⁸ ILO-IPEC, *Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor, Technical Progress Report*, 2.

¹⁴⁰⁹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 3919*. See also U.S. Embassy-Santo Domingo official, electronic communication, February 27, 2004.

¹⁴¹⁰ *Código de Trabajo 1999*, Article 720. See also U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*, June 2000. See also U.S. Embassy-Santo Domingo, *unclassified telegram no. 3869*.

¹⁴¹¹ U.S. Embassy- Santo Domingo, *unclassified telegram no. 2499*.

¹⁴¹² U.S. Embassy- Santo Domingo, *unclassified telegram no. 3869*.

¹⁴¹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 11, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Ecuador has been a member of ILO-IPEC since 1997.¹⁴¹⁴ In July 2003, a new legal Code for Children and Adolescents went into force.¹⁴¹⁵ In November 2002, the National Committee for the Progressive Eradication of Child Labor published its National Plan for the Progressive Elimination of Child Labor 2003–2006.¹⁴¹⁶ In July 2002, the Ministry of Labor and Human Resources 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 2003.¹⁴¹⁷ In 2001, the Government of Ecuador established a Technical Secretariat for the National Committee for the Progressive Eradication of Child Labor (CONEPTI).¹⁴¹⁸ CONEPTI was a key participant in the development of the National Plan and has coordinated and participated in tripartite meetings to define the worst forms of child labor.¹⁴¹⁹

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.¹⁴²⁰ The National Child and Family Institute (INNFA) implements an education program that reintegrates working children and adolescents from the ages of 8 to 15 into the school system so that they may complete the basic education cycle.¹⁴²¹ INNFA also collects data for a System of Social Indicators that is used to define public policy to benefit children and adolescents.¹⁴²²

The Ministry of Education and Cultures (MEC) developed a USD 14 million project that includes vocational training for working children ages 12 to 15 who are enrolled in the public school system.¹⁴²³ Together with the WFP and the UNDP, the MEC also implements a School Feeding Program, which supplies breakfast and lunch to

¹⁴¹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 25, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁴¹⁵ The Code, enacted in December 2002, includes stipulations that raise the legal age of employment from 14 to 15 years, increase penalties against employers of child labor, and expand the class of dangerous work prohibited for minors. See U.S. Embassy– Quito, *unclassified telegram no. 2567*, July 31, 2003.

¹⁴¹⁶ National Committee for the Progressive Eradication of Child Labor, *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2003-2006*, Quito, November, 2002. The Ministry of Labor 2003 budget allocated USD 300,000 to implement the National Plan. See U.S. Embassy– Quito, *unclassified telegram no. 2567*.

¹⁴¹⁷ “Menores de 15 años no trabajarán en bananeras,” *El Universo*, November 27, 2002, [cited August 25, 2003]; available from <http://www.eluniverso.com/data/modulos/noticias/print.asp?contid=CACCF6FB29A3453798AFCD53C7D4DF89>.

¹⁴¹⁸ 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, Project Number P.260.03.202.050, Geneva, September 12, 2001, 4.

¹⁴¹⁹ 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.

¹⁴²⁰ *Ibid.*

¹⁴²¹ The cost to reintegrate one child into the school system for a year is USD 130, which includes registration, uniform, school supplies, extracurricular activities, and lesson reinforcement. See National Child and Family Institute (INNFA), *Programa de Protección y Educación del Niño Trabajador: Información*, [online] 2001 [cited August 25, 2003]; available from <http://www.innfa.org/programas/pnt/informacion.htm>. INNFA spends USD 3.5 million per year on this program. See U.S. Embassy– Quito, *unclassified telegram no. 2567*.

¹⁴²² 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>.

¹⁴²³ Ministry of Education Culture Sports and Recreation, *Plan 50*, [online] [cited August 25, 2003], Plan 50; available from <http://www.mec.gov.ec/final/plan50/p2.htm>. The name of the Ministry of Education, Culture, Sports and Recreation has changed to the Ministry of Education and Cultures. See Ministry of Education and Cultures, *Ministerio de Educación y Culturas del Ecuador*, Ministerio de Educación y Culturas del Ecuador, [online] [cited July 2, 2002]; available from <http://www.mec.gov.ec>.

approximately 1.4 million girls and boys between the ages of 5 and 14.¹⁴²⁴ Through its Social Protection (Frente Social) program, the Ministry of Social Welfare provides school stipends to children ages 6 to 15 to reduce poverty. The stipend, which is conditional on school attendance, is programmed to reach 400,000 children in 2003.¹⁴²⁵ The Central Bank of Ecuador runs the Child Worker Program (PMT), which, in part, provides working children with scholarships that pay school expenses. In turn, the children are required to participate in after school training programs.¹⁴²⁶

In 2003, USDOL funded a 38-month Time Bound Program, implemented by ILO-IPEC, to complement the government's plan to eliminate the worst forms of child labor in the country within a determined period of time.¹⁴²⁷ 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.¹⁴²⁸ In 2000 and again in 2002, USDOL funded an ILO-IPEC regional program in Ecuador, Bolivia and Peru, to prevent and progressively eliminate child labor in small-scale traditional gold mining.¹⁴²⁹

ILO-IPEC has conducted surveys on child labor in Ecuador, including on the commercial sexual exploitation of girls and adolescents, the cut flower industry, and garbage dumps.¹⁴³⁰ 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.¹⁴³¹

In June 2003, the IDB approved a USD 200 million loan for a Social Sector Reform Program that the government will use to coordinate fragmented social spending and eliminate duplication. Under one component

¹⁴²⁴ Ministry of Education and Cultures, *Programa de Alimentación Escolar (PAE) Regresa a Esta Cartera de Estado*, Ministerio de Educación y Culturas, [online] 2003 [cited July 02, 2003]; available from <http://www.mec.gov.ec/noticias/abr/p9.htm>.

¹⁴²⁵ The Inter-American Development Bank, *Ecuador Social Sector Reform Program: Loan Proposal*, 1466/OC-EC (EC-0216), June 25, 2003, 4; available from <http://www.iadb.org/exr/doc98/apr/ec1466e.pdf>. See also Ministry of Social Welfare, *Bono Solidario y Beca Escolar: Perfiles de las Familias Beneficiarias. Superar la Pobreza, Objetivo Nacional*, Ministerio de Bienestar Social, Quito, December, 2002, 1,3; available from <http://www.pps.gov.ec/boletines.doc/PPS%20boletin%20perfiles%20be%20y%20bs.doc>. The Ecuadorian Government's "Frente Social" program is an example of the country's political will to institutionally strengthen the development of social policy. It is presided over by the Ministry of Social Well-Being and is made up of the Ministries of Education and Cultures; Public Health; Labor and Human Resources; Social and Well-Being; and Urban Development and Housing. See Sistema Integrado de Indicadores Sociales del Ecuador, *Marco Institucional del SIISE: El Frente Social del Ecuador*, [online] 2002 [cited September 16, 2003]; available from <http://www.siise.gov.ec/fichas/siis4sz7.htm>.

¹⁴²⁶ In addition, the PMT funds alternative educational programs for youth and promotes children's rights. See U.S. Embassy- Quito, *unclassified telegram no. 2567*.

¹⁴²⁷ ILO/IPEC, *Supporting the Time-Bound Program for Eliminating the Worst Forms of Child Labor in Ecuador*, Project Document, ECU/03/P50/USA, Geneva, August, 2003.

¹⁴²⁸ Frank Hagemann, ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

¹⁴²⁹ 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. See also 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.

¹⁴³⁰ Fundación Salud Ambiente y Desarrollo, *Baseline for the Prevention and Gradual Elimination of Child Labour in the Flower Industry in the Districts of Cayambe and Pedro Moncayo, Ecuador*, International Labor Organization, International Programme on the Elimination of Child Labour, Quito, October, 2002. See also Mariana Sandoval Laverde, *Magnitude, Characteristics and Environment of Sexual Exploitation of Girls and Adolescents in Ecuador*, ILO-IPEC, Quito, October, 2002. See also ILO-IPEC, *Base Line: Child Labour in Garbage Dumps in Ecuador*, Lima, March 2003.

¹⁴³¹ Ministry of Labor and Human Resources, *Condiciones actuales sobre el trabajo, fact sheet*, November 15, 2001.

of this program, all child support programs will be reorganized and channeled through a Child Development Fund.¹⁴³² A similar fund will be created for all food, nutrition and school feeding programs.¹⁴³³

Incidence and Nature of Child Labor

In 2001, Ecuador's National Institute of Statistics and Census (INEC) estimated that 24.9 percent of children 5 to 17 years were working in Ecuador.¹⁴³⁴ The majority of working children are found in rural areas of the sierra, or highlands, with the next most problematic regions being the Amazon and urban coastal areas.¹⁴³⁵ Many parents have emigrated abroad in search of work and have left their children behind. In addition, the migration of the rural poor to cities has increased the incidence of child labor in urban areas.¹⁴³⁶ In rural areas, young children are often found performing unpaid agricultural labor for their families.¹⁴³⁷ In urban areas, children work in manufacturing, commerce and services, such as automobile repair and domestic service.¹⁴³⁸ 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.¹⁴³⁹

The commercial sexual exploitation of children occurs in Ecuador,¹⁴⁴⁰ and there were reports in 2002 that it may be on the rise.¹⁴⁴¹ ILO-IPEC estimates that there are 5,200 girls and adolescents in situations of sexual exploitation.¹⁴⁴² There have been reports of cases in which children have been forced into prostitution.¹⁴⁴³ Ecuador is a country of origin for the trafficking of women and children for commercial sexual exploitation.¹⁴⁴⁴

¹⁴³² The Inter-American Development Bank, *Ecuador Social Sector Reform*, 7, 18.

¹⁴³³ *Ibid.*, 17.

¹⁴³⁴ This represents 775,753 children out of an estimated population of 3,166,276 children ages 5 to 17. See ILO/IPEC, *Ecuador Time-Bound Program*, 4.

¹⁴³⁵ 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 área rural de Ecuador," *Encuentros* no. 2 (December 2001 - February 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/boletin/numero2/Boletindos/notipec.html>. The provinces with the greatest number of working children are Bolívar, Chimborazo and Cotopaxi. See National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 11.

¹⁴³⁶ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ecuador*, U.S. Department of State, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18330.htm>.

¹⁴³⁷ Mauricio Garcia, *El trabajo y la educación de los niños y de los adolescentes en el Ecuador*, UNICEF, 1996, 38.

¹⁴³⁸ *Ibid.*

¹⁴³⁹ U.S. Embassy- Quito, *unclassified telegram no. 3265*, September 25, 2001.

¹⁴⁴⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ecuador*, Sections 5 and 6f.

¹⁴⁴¹ ECPAT International, *Ecuador*, in ECPAT International, [online] [cited September 16, 2003], "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,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry.

¹⁴⁴² Sandoval Laverde, *Magnitude, Characteristics and Environment*, 3.

¹⁴⁴³ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ecuador*, Section 6f.

¹⁴⁴⁴ *Ibid.* 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.unhcr.ch/tbs/doc.nsf/\(Symbol\)/b1a4ab3e2073a876802566c9003c7a8e?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/b1a4ab3e2073a876802566c9003c7a8e?OpenDocument).

There are also reports that Ecuador is a destination country for trafficked children.¹⁴⁴⁵ Sources report that indigenous children have been trafficked to Venezuela and Uruguay to sell handicrafts or to beg on the streets.¹⁴⁴⁶

The Constitution requires that all children attend school until they achieve a “basic level of education,” which usually encompasses nine school years.¹⁴⁴⁷ The government rarely enforced this requirement due to the lack of schools and inadequate resources in many rural communities, as well as the pervasive need for children to contribute to the family income.¹⁴⁴⁸ Child malnutrition, short school days, inadequately trained teachers, sparse teaching materials and the uneven distribution of resources are the main problems within the educational system.¹⁴⁴⁹ In 2000, the gross primary enrollment rate was 115 percent, and the net primary enrollment rate was 99.3 percent.¹⁴⁵⁰ In 1999, the persistence rate to grade five was 88.9 percent.¹⁴⁵¹ 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.¹⁴⁵² Families often face significant additional education-related expenses such as fees and transportation costs.¹⁴⁵³

Child Labor Laws and Enforcement

The Childhood and Adolescence Code sets the minimum age for all employment, including domestic service, at 15 years.¹⁴⁵⁴ 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.¹⁴⁵⁵ The Ministry of Labor provides work authorization for adolescents between the ages of 15 and 18 years.¹⁴⁵⁶ The Childhood and Adolescence Code prohibits adolescents from working more than 6 hours per day or 30 hours per week.¹⁴⁵⁷ The Code also prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries.¹⁴⁵⁸ The Labor Code, which has not been updated to reflect Ecuador’s adoption of ILO Conventions 138 and 182, provides that minors under 18 years are prohibited from engaging in night work.¹⁴⁵⁹

¹⁴⁴⁵ The Protection Project, “Ecuador,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Ecuador.pdf>. See also 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, 16.

¹⁴⁴⁶ United Nations Economic and Social Council, *Specific Groups and Individuals: Migrant Workers*, Addendum: Mission to Ecuador, 16.

¹⁴⁴⁷ U.S. Embassy– Quito, *unclassified telegram no. 3265*.

¹⁴⁴⁸ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ecuador*, Section 5.

¹⁴⁴⁹ The Inter-American Development Bank, *Ecuador Social Sector Reform*, 8.

¹⁴⁵⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. ¹⁴⁵¹ *Ibid.*

¹⁴⁵² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁴⁵³ U.S. Embassy– Quito, *unclassified telegram no. 3265*.

¹⁴⁵⁴ *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/ippec/boletin/documentos/cna.doc>.

¹⁴⁵⁵ *Ibid.*, Article 86.

¹⁴⁵⁶ U.S. Embassy Official Ecuador, electronic communication to USDOL Official, August 5, 2003.

¹⁴⁵⁷ *Código de la Niñez y Adolescencia*, Article 84.

¹⁴⁵⁸ *Ibid.*, Article 87.

¹⁴⁵⁹ 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, 47. The Childhood and Adolescence Code, which has been adapted to reflect Ecuador’s adoption of ILO Conventions 138 and 182, supercedes provisions in the Labor Code that allowed children under 15 to work aboard fishing vessels with special permission from the court, during school vacation, and as long as the work was not likely to harm their health and moral development. See U.S. Embassy Official Ecuador, electronic communication, August 5, 2003. See also ILO-IPEC, *Ecuador*.

The 1998 Constitution specifically calls for children in Ecuador to be protected in the workplace against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. Minors are also protected against trafficking, prostitution, and the use of illegal drugs and alcohol.¹⁴⁶⁰ There are no policies to eliminate the sexual exploitation of children and adolescents and no government funding has been allocated for this purpose.¹⁴⁶¹ The Penal Code explicitly defines and prohibits exposing children to pornography, and promoting and facilitating prostitution and trafficking. Adults convicted of promoting or engaging children in such activities may be sentenced from 1 to 9 years in jail.¹⁴⁶² The Childhood and Adolescence Code prescribes sanctions for violations, such as monetary fines and the closing of establishments where child labor occurs.¹⁴⁶³ In June 2000, the Criminal Code was amended to strengthen sentences for furnishing or utilizing false documents and for smuggling of non-citizens.¹⁴⁶⁴

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 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.¹⁴⁶⁵ In October 2002, the government created a Child Labor Inspection and Monitoring System to enforce the child labor-related legal provisions of the Labor Code and the Labor Inspection System.¹⁴⁶⁶ In 2003, the Government of Ecuador hired and trained a small number of labor inspectors to begin child labor inspections in banana and flower plantations.¹⁴⁶⁷

The Government of Ecuador ratified ILO Convention 138 and ILO Convention 182 on September 19, 2000.¹⁴⁶⁸

¹⁴⁶⁰ U.S. Embassy- Quito, *unclassified telegram no. 3265*.

¹⁴⁶¹ Sandoval Laverde, *Magnitude, Characteristics and Environment*, 3.

¹⁴⁶² *Derecho Penal: Código Penal Ecuatoriano*, [cited October 7, 2002]; available from <http://www.unifr.ch/derechopenal/ljecuador/cpecu30.html>.

¹⁴⁶³ *Código de la Niñez y Adolescencia*, Chapter IV, Article 95.

¹⁴⁶⁴ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ecuador*, Section 6f.

¹⁴⁶⁵ U.S. Embassy- 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. There are only 13 labor inspectors in the entire banana producing region. See Human Rights Watch, *Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor*, 5.

¹⁴⁶⁶ National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 37-38.

¹⁴⁶⁷ If, on the first visit, the inspectors find employees under the age of 15 at banana plantations, children will be referred to the social programs run by the government and the employers will be informed of what they must do to comply with the law. Fines or penalties will be levied on subsequent visits if violations are observed. Fines could range between USD 200 to 1000 and penalties include the closure of the employing business of repeat offenders. U.S. Embassy- Quito, *unclassified telegram no. 2567*.

¹⁴⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Egypt has been a member of ILO-IPEC since 1996.¹⁴⁶⁹ In 2000, the National Council for Childhood and Motherhood (NCCM) launched the Second Decade of Protection and Welfare of Children action program that included a component to reintegrate working children into schools, their families, and the community.¹⁴⁷⁰ In 2002, the NCCM designed a National Program for the Progressive Elimination of Child Labor focusing on interventions to alleviate poverty, especially among female heads of households, and to provide psychosocial and educational services to children in four governorates.¹⁴⁷¹ The NCCM further coordinates policy dialogue between key ministries and local authorities. Among other child labor initiatives, the NCCM launched a pilot program designed to protect and improve the working conditions of child workers and provide them education and health services, as well as income generation activities for their families.¹⁴⁷² In 2003, the NCCM set up a hotline to receive calls from children in distress, particularly those who complain of working in unsafe or unhealthful conditions.¹⁴⁷³ Also in 2003 the NCCM organized workshops in four governorates with the highest rates of working children to create awareness of the social and economic problems created by child labor, especially its worst forms. It is anticipated that the reports of these and subsequent workshops on child labor will be used by policy-makers.¹⁴⁷⁴ In 2000, the government established a Child Labor Unit (CLU) within the Ministry of Manpower and Migration (MOMM) to coordinate investigations of reports of child labor violations and to ensure enforcement of the laws pertaining to child labor.¹⁴⁷⁵ In 2003 ILO Egypt worked with the NCCM, the MOMM, the Egyptian Trade Union Federation, and UNICEF to begin formulation of a comprehensive national strategy to eliminate the worst forms of child labor.¹⁴⁷⁶ In 2003, the CLU provided training to labor inspectors; worked to establish a database on working children; and organized a media campaign to increase public awareness of the issue.¹⁴⁷⁷

ILO-IPEC and the government have collaborated on several initiatives to combat child labor, at least five of which are ongoing.¹⁴⁷⁸ Current projects include a direct action program to contribute to the progressive elimination of child labor in leather tanneries, pottery kilns, and other hazardous industries,¹⁴⁷⁹ and a collaborative project with the U.S. Customs Service and the Arab Labor Organization to provide technical assistance to the CLU.¹⁴⁸⁰ Other ILO-IPEC programs involve public awareness raising, capacity building, and interventions, including a community

¹⁴⁶⁹ ILO-IPEC, *All About IPEC: Programme Countries*, ILO-IPEC, [online] [cited June 13 2003]; available from http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

¹⁴⁷⁰ The National Council for Childhood and Motherhood (NCCM), *NCCM*, [online] [cited June 10, 2003]; available from <http://www.nccm.org.eg/achievements.asp>.

¹⁴⁷¹ Ibid. See also Embassy of the Arab Republic of Egypt, *Government Initiatives and Responses to Child Labour*, USDOL, August 1, 2003, 6.

¹⁴⁷² The National Council for Childhood and Motherhood (NCCM), *NCCM Website*.

¹⁴⁷³ U.S. Embassy- Cairo, *unclassified telegram no. 6904*, Cairo, August 18, 2003, 2.

¹⁴⁷⁴ U.S. Department of State official, electronic communication to USDOL official, February 23, 2004.

¹⁴⁷⁵ U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 2.

¹⁴⁷⁶ U.S. Department of State official, electronic communication, February 23, 2004.

¹⁴⁷⁷ U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 2.

¹⁴⁷⁸ ILO-IPEC official, electronic communication from ILO-IPEC, Spreadsheet of ILO-IPEC Projects, to USDOL official, August 16, 2003.

¹⁴⁷⁹ Ibid.

¹⁴⁸⁰ U.S. Embassy- Cairo, *unclassified telegram no. 8087*, December, 2001.

project that aims to withdraw children from hazardous work in auto repair workshops, and textile and plastics factories.¹⁴⁸¹ In 2003, USAID funded a collaborative project with international and local trade unions to train local child labor inspectors. The training was followed by the formation of community child labor committees (CLCs) in nine villages to survey child labor in those areas.¹⁴⁸²

The Government of Egypt is committed to battling illiteracy and bridging the gender gap in education.¹⁴⁸³ A National Taskforce for Girls' Education, comprising members of key ministries, authorities, UN agencies, and members of civil society, was formed in October 2001.¹⁴⁸⁴ To this end, a number of measures have been taken, including the establishment of one-room schools for girls, community schools for children ages 9 to 13 years old, and mainstreaming graduates of those schools into preparatory schools.¹⁴⁸⁵

The World Bank's Education Enhancement Program Project was developed to enhance the Ministry of Education's stated goals of ensuring universal access to basic education, with an emphasis on girls, and improving the quality of education.¹⁴⁸⁶ Egypt was the first country to officially join the UN Girls' Education Initiative.¹⁴⁸⁷ Since 1992, UNICEF has supported the Girl Child Initiative with the Community Schools Programme.¹⁴⁸⁸ USAID is funding a number of education projects, including the New Schools Program, which targets over 28,000 girls from ages 6 to 14 years, who have never attended school, or have dropped out. Another USAID project supports the Center for Development and Population Activities (CEDPA).¹⁴⁸⁹ These activities are intended to expand educational opportunities for girls not enrolled in formal education through scholarships and other incentives. In 2002, an initiative for boys was also launched.¹⁴⁹⁰ 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 have improved.¹⁴⁹¹

¹⁴⁸¹ Ayse Sule Caglar, ILO-IPEC official, electronic communication with USDOL official, January 7, 2002. See also U.S. Embassy- Cairo, *unclassified telegram no. 6469*, Cairo, October 2001.

¹⁴⁸² The CLCs also organized village meetings to raise awareness of the nature and extent of the problem. See U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 2.

¹⁴⁸³ *The Constitution of the Arab Republic of Egypt: Amendment Ratified on May 22, 1980*, (May 22), Article 21; available from <http://www.sis.gov.eg/egyptinf/politics/parlament/html/constit.htm>. See also Embassy of the Arab Republic of Egypt, Government Initiatives, 2.

¹⁴⁸⁴ The National Council for Childhood and Motherhood (NCCM), *NCCM Website*.

¹⁴⁸⁵ Arab Republic of Egypt, *Education Development: National Report of Arab Republic of Egypt from 1990 to 2000*, National Center for Educational Research and Development (NCERD), Cairo, 2001, 17; available from www.ibe.unesco.org/International/ICE/natrap/Egypt.pdf.

¹⁴⁸⁶ World Bank, *Egypt-Education Enhancement Program Project*, World Bank, [online] 1996 [cited June 13, 2003]; 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, World Bank, October 21, 1996, 1; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/1996/10/21/000009265_3970311113957/Rendered/PDF/multi_page.pdf.

¹⁴⁸⁷ Embassy of the Arab Republic of Egypt, Government Initiatives.

¹⁴⁸⁸ UNICEF, *At a Glance: Egypt - The big picture*, UNICEF, [online] [cited October 7, 2003]; available from <http://www.unicef.org/infobycountry/egypt.html>.

¹⁴⁸⁹ USAID, *Education: Improving Basic Education to Meet Market Demand*, USAID, [online] [cited August 29, 2003]; available from <http://www.usaid-eg.org/detail.asp?id=9>.

¹⁴⁹⁰ Ibid.

¹⁴⁹¹ The successes are a result of programs that address barriers to children's education. See Kristin Moehlmann, *Girl-friendly Schools Improve Egypt's Report Card*, UNICEF, [online] [cited June 16, 2003]; available from www.unicef.org/information/mdg/mdg07.htm.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 8.8 percent of children ages 10 to 14 years in Egypt were working.¹⁴⁹² Studies have suggested that rural children and children from poor households account for the overwhelming majority of working children.¹⁴⁹³ Rural children are largely found working in the agricultural sector¹⁴⁹⁴, particularly on cotton-farming cooperatives.¹⁴⁹⁵ Reports indicate a widespread practice of poor rural families making arrangements to send daughters to cities to work as domestic servants in the homes of wealthy citizens.¹⁴⁹⁶ Urban areas are also host to large numbers of street children who have left their homes in the country-side to find work, and often to flee hostile conditions at home.¹⁴⁹⁷ Street children work shining shoes, begging, cleaning and parking cars, and selling food and trinkets.¹⁴⁹⁸ Street children are particularly vulnerable to being forced into illicit activities, including stealing, smuggling, pornography, and prostitution.¹⁴⁹⁹ Children in urban areas also work in leather tanneries, pottery kilns,¹⁵⁰⁰ glassworks,¹⁵⁰¹ blacksmith, metal and copper workshops, battery and carpentry

¹⁴⁹² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. It should be noted that children under the age of 15 years comprise approximately 38 percent of Egypt's total population. See Central Agency for Public Mobilisation and Statistics (CAPMAS), *Labour Force Survey*, in ILO LABORSTA, [database online] 1999 [cited October 10, 2003]; available from <http://laborsta.ilo.org/cgi-bin/brokerv8.exe>.

¹⁴⁹³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Egypt*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18274.htm>. See also El Daw A. Suliman and Safaa E. El-Kogali, "Why Are the Children Out of School? Factors Affecting Children's Education in Egypt" (paper presented at the ERF Ninth Annual Conference, American University in Sharja, United Arab Emirates, October 28, 2002), 20; available from <http://www.erf.org.eg/9th%20annual%20conf/9th%20PDF%20Presented/Labor/L-P%20Suliman%20&%20Safaa.pdf>.

¹⁴⁹⁴ At the request of NCCM, the Central Agency for Public Mobilization and Statistics (CAPMAS) conducted a household survey on child labor in Egypt from 2001 to 2002. According to the survey, more than 70 percent of working children are in the agricultural sector. See Gihan Shahine, "Fighting Child Labour," *Al-Ahram Weekly* (Cairo), May 9-15, 2002; available from <http://weekly.ahram.org.eg/2002/585/eg5.htm>. To date, the survey is being used by the NCCM for internal policy making. The survey is expected to be released following the Egyptian First Lady's launching of the national strategy on the elimination of the worst forms of child labor, perhaps in 2004. The figure released by the NCCM for the number of working children in 2001 was 2.4 million. See U.S. Department of State official, electronic communication, February 23, 2004.

¹⁴⁹⁵ As of 2001, over 1 million children ages 7 to 12 were working in cotton pest control. The work involves manually removing pests from cotton plants, extended exposure to highly hazardous pesticides, and rampant abuse by foremen. Under a 1965 decree by the Ministry of Agriculture, families were required to provide child workers to local cotton-farming cooperatives to control leafworm infestations between the months of May and July. See Human Rights Watch (HRW), *Underage and Unprotected: Child Labor in Egypt's Cotton Fields*, Vol. 13 No. 1 (E), Human Rights Watch, New York, January, 2001; available from http://www.hrw.org/reports/2001/egypt/Egypt01.htm#P46_655. Responding to international pressure from organizations such as HRW and USAID, a new labor decree in June 2003 repealed the 1965 law and specifically prohibits the employment of children in cotton compressing or any work involving hazardous chemicals, including pesticides. See U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 1.

¹⁴⁹⁶ As domestic workers, children are excluded from the protections of the labor code and are highly susceptible to domestic abuse and exploitation. See Karam Saber, "A Situational Analysis of Commercial Sexual Exploitation of Children in Egypt" (paper presented at the ECPAT International North Africa Regional Consultation on the Elimination of the Commercial Sexual Exploitation of Children, Rabat, Morocco, June 13, 2003), 13; available from http://www.ecpat.net/eng/ecpat_inter/projects/monitoring/rabat/egypt.pdf. See also Dena Rashed, "Born an Adult," *Al-Ahram Weekly* (Cairo), June 19-25, 2003; available from <http://weekly.ahram.org.eg/print/2003/643/fe2.htm>.

¹⁴⁹⁷ A 2002 survey of urban street children found that in almost every case, the children were living and working on the street because of severe family crises. Their experiences as street children are also plagued with trauma as Egyptian police routinely arrest and detain them, often subjecting them to extreme forms of abuse. For a more detailed discussion, see Clarisa Bencomo, *Charged with Being Children: Egyptian Police Abuse of Children in Need of Protection*, Vol. 15, No. 1, Human Rights Watch (HRW), New York, February 2003, 9; available from <http://www.hrw.org/reports/2003/egypt0203/egypt0203.pdf>.

¹⁴⁹⁸ Ibid.

¹⁴⁹⁹ Due in part to the extremely taboo nature of discussion on any sexual issue in Egypt, particularly involving children, information on the extent of commercial sexual exploitation of children is limited. See Saber, "Commercial Sexual Exploitation of Children in Egypt".

¹⁵⁰⁰ Caglar, electronic communication, January 7, 2002.

¹⁵⁰¹ United Nations, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Addendum-Egypt*, CRC/C/65/Add.9, Committee on the Rights of the Child, November 11, 1999; available from [www.unhchr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/\\$FILE/G9945502.doc](http://www.unhchr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/$FILE/G9945502.doc).

shops,¹⁵⁰² auto repair workshops, and textile and plastics factories.¹⁵⁰³ While there are no official accounts of trafficking in the country,¹⁵⁰⁴ some reports indicate that Egypt is a country of transit for child trafficking.¹⁵⁰⁵

The Constitution guarantees free and compulsory basic education for children ages 6 to 15.¹⁵⁰⁶ In 2000, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 92.6 percent.¹⁵⁰⁷ Girls' enrollment and attendance still lags behind that of boys.¹⁵⁰⁸ In 2000, the gross primary enrollment rate for girls was 96.1 percent, compared to 102.9 percent for boys. The net primary enrollment rate was 90.3 percent for girls, compared to 94.9 percent for boys.¹⁵⁰⁹ Primary school attendance rates are unavailable for Egypt. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵¹⁰ A 2000 national survey of children ages 6 to 15 found that 14 percent of girls were not currently attending school, compared to 8 percent of boys.¹⁵¹¹ Working and street children are predominantly school dropouts or have never been enrolled in school.¹⁵¹² In the past a number of NGOs have worked to provide literacy programs, medical care, shelter, meals and protection to working street children.¹⁵¹³ However, a law was passed in June 2002 that severely restricts the capacity of NGOs to continue work on this issue.¹⁵¹⁴

¹⁵⁰² This study was based on sample of 355 male workers ages 7 to 19 years. F. Curtale and et al., "Anaemia among Young Male Workers in Alexandria, Egypt," *Eastern Mediterranean Health Journal*, 6 5/6 (September-November 2000); available from www.emro.who.int/Publications/EMHJ/0605/20.htm.

¹⁵⁰³ U.S. Embassy- Cairo, *unclassified telegram no. 6469*.

¹⁵⁰⁴ U.S. Department of State, *Country Reports- 2002: Egypt*.

¹⁵⁰⁵ Saber, "Commercial Sexual Exploitation of Children in Egypt", 6. See also Dr. Mohamed Y. Mattar, "Trafficking in Persons, Especially Women and Children, in Countries of the Middle East," *Fordham International Law Journal* 26 721 (March 2003), 10, n133; available from <http://209.190.246.239/article.pdf>. See also The Protection Project, *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, Washington, D.C., 2002; available from <http://209.190.246.239/ver2/cr/Egypt.pdf>. See also U.S. Embassy- Cairo, electronic communication to USDOL official, February 26, 2004.

¹⁵⁰⁶ *Constitution of Egypt*, Articles 18 and 20. See also UNESCO, *Egypt National Report: Education For All 2000 Assessment*, prepared by National Centre for Educational Research and Development, pursuant to UN General Assembly Resolution 52/84, October 1999; available from <http://www2.unesco.org/wef/countryreports/egypt/contents.html#cont>. Despite the constitutional guarantees to universal education, in practice, education is not free, and parents are increasingly responsible for both the direct and indirect costs of education. In fact, Egyptian law allows for public schools to charge fees for services, insurance, and equipment. The 2000 Egypt Demographic Health Survey found median family expenditures per child among children ages 6 to 15 attending public schools were 133.9 LE for registration, tuition, uniforms, textbooks, supplies and other educational materials (approximately USD 36 at the time). See Bencomo, *Charged with Being Children*, 11. For currency conversion, see Oanda.com, *FXConverter*, in *FXConverter*, [online] [cited October 10, 2003]; available from <http://www.oanda.com/convert/classic>.

¹⁵⁰⁷ World Bank, *World Development Indicators 2003*. For a more detailed discussion on the relationship between education statistics and work, see the preface to this report. See also Ragui Assaad, Deborah Levison, and Nadia Zibani, "The Effect of Child Work on School Enrollment in Egypt" (paper presented at the ERF Eighth Annual Conference, Cairo, January 2002); available from http://www.erf.org.eg/html/Labor_8th/Theeffectofchild-Zibani&Assaad.pdf.

¹⁵⁰⁸ Twice as many girls as boys never attend school. See The American University in Cairo, *Egypt Demographic and Health Survey 2000 (EDHS)*, [online] 2000 [cited October 14, 2003]; available from http://www.aucegypt.edu/src/girlseducation/statistics_edhs2000.htm.

¹⁵⁰⁹ World Bank, *World Development Indicators 2003*.

¹⁵¹⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁵¹¹ Mothers of children who had dropped out or never attended school overwhelmingly cited cost as the reason, and more than half specifically cited a need for the child's labor. See Suliman and El-Kogali, "Why Are the Children Out of School?" 16-17. See also Bencomo, *Charged with Being Children*, 11-12.

¹⁵¹² UN Committee on the Rights of the Child, *Committee on the Rights of the Child - NGO Alternative Report*, CRC.26/Egypt, prepared by NGO Coalition on the Rights of the Child, pursuant to Article 44 on the Convention on the Rights of the Child, January 2001, 24; available from http://www.crin.org/docs/resources/treaties/CRC.26/egypt_ngo_report.pdf.

¹⁵¹³ Khalid Abdalla, "Take a Long Look: When is a Child Not a Child?," *Al-Ahram Weekly* (Cairo), November 11-17, 1999; available from <http://weekly.ahram.org.eg/1999/455/feat2.htm>. See also, Bencomo, *Charged with Being Children*.

¹⁵¹⁴ Law 84/2002 grants the Minister of Social Affairs the authority to dissolve any NGO that the state determines to be "threatening national unity [or] violating public order or morals." NGOs are further prohibited from receiving funds from abroad, affiliating with international organizations, or from selecting board members, without the state's approval. The law further stipulates that NGOs may be dissolved at will, and any assets and property may be confiscated without a judicial order. The law establishes criminal penalties for unauthorized NGO activities, punishable by up to one year of imprisonment and substantial fines. Since the passage of the new law, a number of human rights organizations, including some working in the area of child labor, have been dissolved and leading NGO workers have been imprisoned. See (HRW) Human Rights Watch, *Egypt's New Chill on Rights Groups: NGOs Banned, Activist Harassed*, [press release] June 21 2003; available from <http://www.hrw.org/press/2003/06/egypt062103.htm>. See also U.S. Department of State, *Country Reports- 2002: Egypt*, Section 4.

Child Labor Laws and Enforcement

The Government of Egypt ratified a new labor law in June 2003 prohibiting the employment of male and female juveniles below the age of 14. The new law also sets maximum hours for the employment of children in addition to employment conditions; the law does not apply, however, to children working in the agricultural sector. Ministerial decrees that complement the labor law compensate for this shortcoming, especially Decree No. 118 of 2003, which prohibits children below 16 from working in 44 hazardous professions, including agricultural activities.¹⁵¹⁵ The new labor law also stipulates penalties pertaining to the employment of children, which include fines that range from 500 to 1,000 Egyptian pounds (about USD 81 to 163) per employee.¹⁵¹⁶ The Children's Code and Labor Law of 1996 permits children ages 12 and older to participate in training for seasonal employment provided the work does not interfere with their health, growth, or school attendance.¹⁵¹⁷ The law also prohibits children from working over 6 hours per day or for more than 4 consecutive hours, at night, overtime, or during their weekly day off.¹⁵¹⁸ The Constitution does not specifically prohibit trafficking in persons; however, it does prohibit forced labor and prostitution.¹⁵¹⁹

The MOMM is the government agency responsible for enforcing child labor laws.¹⁵²⁰ The government's enforcement of child labor laws is inconsistent. In state-owned enterprises, enforcement is adequate while enforcement in the private and informal sectors is inadequate.¹⁵²¹

The Government of Egypt ratified ILO Convention 138 on June 9, 1999, and ratified ILO Convention 182 on May 6, 2002.¹⁵²²

¹⁵¹⁵ Occupations are defined as hazardous based on the definition of hazardous activities in ILO Convention 182. Decree 118 specifically prohibits employment in cotton compressing, leather tanning, and working in bars and auto repair shops or with explosives and chemicals (including pesticides). The decree identifies maximum allowable weights that male and female children are allowed to carry and stipulates that employers provide health care and meals for employed children and implement appropriate occupational health and safety measures in the work place. See U.S. Embassy- Cairo, *unclassified telegram no. 6904*, 1.

¹⁵¹⁶ Fines double if the violation is repeated. Violations of articles pertaining to occupational health and safety result in imprisonment for a period of at least 3 months and/or a fine of up to 10,000 pounds (USD 1,634). See *Ibid.* For the currency conversions, see XE.COM, *Universal Currency Converter*, XE.COM, [Currency Converter] [cited August 29, 2003]; available from <http://www.xe.com/ucc/convert.cgi>.

¹⁵¹⁷ United Nations, *Consideration of Reports Submitted by States Parties, Addendum: Egypt*, CRC/C/65/Add.9, Convention on the Rights of the Child, November 11, 1999, para. 48; available from [http://www.unhcr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/\\$FILE/G9945502.doc](http://www.unhcr.ch/TBS/DOC.NSF/385c2add1632f4a8c12565a9004dc311/8f1898b2a712708c802568b200501ed2/$FILE/G9945502.doc).

¹⁵¹⁸ U.S. Department of State, *Country Reports- 2002: Egypt*, Section 6d.

¹⁵¹⁹ *Ibid.*, Section 6f.

¹⁵²⁰ U.S. Embassy- Cairo, *unclassified telegram no. 6904*.

¹⁵²¹ U.S. Department of State, *Country Reports- 2002: Egypt*, Section 6d.

¹⁵²² ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

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 1996.¹⁵²³ 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 and other services to vulnerable children. The Time-Bound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.¹⁵²⁴ As part of Time-Bound Program efforts, ILO-IPEC has conducted assessments in the sectors where the worst forms of child labor are a particular problem.¹⁵²⁵

The government also collaborates with ILO-IPEC on two additional projects funded by USDOL. These projects seek to withdraw child workers from coffee harvesting and the cottage production of fireworks.¹⁵²⁶ A child labor module, designed by ILO-IPEC's SIMPOC and funded by USDOL,¹⁵²⁷ was included in the government's Multiple Purpose Household Survey of 2001.¹⁵²⁸ A National Committee for the Progressive Elimination of Child Labor, under the auspices of the Ministry of Labor and Social Security, provides leadership and guidance to the ILO-IPEC program.¹⁵²⁹ The National Committee has approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2005.¹⁵³⁰ 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 third party homes; a project aimed at reducing child labor in urban market areas; and a regional project to reduce scavenging at garbage dumps.¹⁵³¹ In September 2002, labor inspectors from the Ministry of Labor participated in an ILO-

¹⁵²³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 24, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁵²⁴ 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. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, Geneva, January, 2003, 1.

¹⁵²⁵ 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*, Geneva, 5; available from <http://www.ilo.org/public/english/standards/ipecc/timebound/salvador.pdf>.

¹⁵²⁶ 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 late 2003. This fireworks project began prior to the Time-Bound Program; 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.

¹⁵²⁷ ILO-IPEC, *Statistical Information and Monitoring Program (SIMPOC)*, project document, CAM/99/05/050, Geneva, September 1999.

¹⁵²⁸ ILO-IPEC, *IPEC Country Profile: El Salvador*, 2 [cited June 24, 2003]. See also ILO official, electronic communication to USDOL official, November 14, 2002.

¹⁵²⁹ 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.

¹⁵³⁰ Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil*. See also Embassy of El Salvador, written communication, October 25, 2001, 7-8.

¹⁵³¹ ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002. See also ILO official, electronic communication, November 14, 2002. This project is in addition to the Time-Bound Program.

IPEC training session on child labor laws.¹⁵³² In November 2002, with support from ILO-IPEC, a Child Labor Unit was created within the Ministry of Labor.¹⁵³³

In addition to participating in the ILO-IPEC Time-Bound Program, the Ministry of Education has also 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.¹⁵³⁴ From 1994 to 2000, the Government of El Salvador increased the number of schools, classrooms, and teachers; expanded early childhood centers; and created a training program for teachers.¹⁵³⁵ The Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education¹⁵³⁶ and operates a hotline for the public to report school administrators who illegally charge students school fees.¹⁵³⁷

Incidence and Nature of Child Labor

According to the Multiple Purpose Household Survey conducted in 2001, 11.5 percent of children aged 5 to 17 were working.¹⁵³⁸ 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.¹⁵³⁹ Children often accompany their families to work in commercial agriculture, particularly during coffee and sugar harvests.¹⁵⁴⁰ Children from poor families, as well as orphans, work as street vendors¹⁵⁴¹ and general laborers in small businesses, primarily in the informal sector.¹⁵⁴² Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, drug trafficking, and garbage scavenging.¹⁵⁴³ Some children also work as domestic servants in third party homes.¹⁵⁴⁴

¹⁵³² U.S. Embassy- San Salvador, *unclassified telegram no. 3101*, October 2002. See also ILO official, electronic communication, November 14, 2002.

¹⁵³³ ILO-IPEC, *International Labour Office - IPEC Status Report for Supporting the Time Bound Program against the Worst Forms of Child Labor in El Salvador*, December 2002, 2. See also Ambassador Rene A. Leon, written correspondence in response to International Child Labor Program August 5, 2002 Federal Register notice to USDOL official, September 5, 2002.

¹⁵³⁴ 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 Mrs. Darlyn Xiomara Meza Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999; available from http://www2.unesco.org/wef/countryreports/el_salvador/contents.html.

¹⁵³⁵ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11, 12, 46.

¹⁵³⁶ 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. See 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.

¹⁵³⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: El Salvador*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18331.htm>.

¹⁵³⁸ The survey reports that 222,479 children aged 5 to 17 were working. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, 11.

¹⁵³⁹ 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. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2260*, August 2003.

¹⁵⁴⁰ U.S. Embassy- San Salvador, *unclassified telegram no. 3101*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*.

¹⁵⁴¹ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d. 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. See FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores en las Calles de San Salvador*, San José, Costa Rica, 2001.

¹⁵⁴² U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

¹⁵⁴³ U.S. Embassy- San Salvador, *unclassified telegram no. 3101*. 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.

¹⁵⁴⁴ ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*.

There is evidence that some children, especially girls, are engaged in prostitution.¹⁵⁴⁵ El Salvador is a source, transit, and destination country for children trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, the United States, and other Central American countries. Some children are also trafficked internally.¹⁵⁴⁶ Children who live on the streets are also trafficked to border areas and other countries, and forced into prostitution.¹⁵⁴⁷ Children from Nicaragua, Honduras, and South America have been trafficked to bars in major Salvadoran cities, where they are then forced to engage in prostitution.¹⁵⁴⁸ This serious problem has not been reliably documented, except for several dozen cases per year of children returned from the Mexican or Guatemalan border regions, some of whom may have been sexually exploited. There have also been police and media reports of possibly dozens of child prostitutes in El Salvador. Due to a lack of information, however, the extent of the problem remains unclear.¹⁵⁴⁹

Education is compulsory through the ninth grade or up to 14 years of age, and public education is free through high school.¹⁵⁵⁰ Laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms; however, in practice, some schools continue to charge school fees to cover budget shortfalls.¹⁵⁵¹ The two earthquakes of 2001 destroyed many schools, the reconstruction of schools has experienced some delays.¹⁵⁵² In 2000, the gross primary enrollment rate was 109.3 percent, and in 1999, the net primary enrollment rate was 80.9 percent.¹⁵⁵³ The 1999 Multiple Purpose Household Survey found that 650,000 children ages 4 to 17 were not enrolled in school.¹⁵⁵⁴ In 1998, 70.7 percent of children enrolled in primary school reached grade 5.¹⁵⁵⁵ Primary school attendance rates are unavailable for El Salvador. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵⁵⁶ 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 in rural areas.¹⁵⁵⁷ Many students in rural areas do not reach the ninth grade due to a lack of financial resources and because many

¹⁵⁴⁵ U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6d. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 4.

¹⁵⁴⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: El Salvador*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6f.

¹⁵⁴⁷ U.S. Department of State, *Country Reports- 2002: El Salvador*, 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.

¹⁵⁴⁸ U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: El Salvador*.

¹⁵⁴⁹ U.S. Embassy- San Salvador, electronic communication to USDOL official, February 19, 2004.

¹⁵⁵⁰ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

¹⁵⁵¹ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5.

¹⁵⁵² United States General Accounting Office, *USAID's Earthquake Recovery Program in El Salvador Has Made Progress, but Key Activities Are Behind Schedule*, March 2003, 2, 16.

¹⁵⁵³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. See also USAID, *Global Education Database*, Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹⁵⁵⁴ ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, 3.

¹⁵⁵⁵ World Bank, *World Development Indicators 2003*.

¹⁵⁵⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁵⁵⁷ ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

parents withdraw their children from school by the sixth grade so that they can work.¹⁵⁵⁸ Also in rural areas, many older children attend classes below their grade level.¹⁵⁵⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁵⁶⁰ Children ages 12 to 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.¹⁵⁶¹ Children who are 14 years or older must receive permission from the Ministry of Labor to work, which is granted only when it is non-hazardous and necessary for the survival of the child or the child's family.¹⁵⁶² Children under the age of 18 are prohibited from working at night¹⁵⁶³ or in hazardous and/or morally dangerous conditions.¹⁵⁶⁴ Forced or compulsory labor is prohibited by the Constitution.¹⁵⁶⁵ The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.¹⁵⁶⁶

In October 2001, Criminal Code reforms, that prohibit trafficking in persons, were approved by the Legislative Assembly.¹⁵⁶⁷ El Salvador's Penal Code does not criminalize prostitution.¹⁵⁶⁸ However, the Penal Code provides for penalties of 2 to 4 years imprisonment for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is less than 18 years old.¹⁵⁶⁹

Enforcing child labor laws is the responsibility of the Ministry of Labor.¹⁵⁷⁰ However, the difficulties of monitoring the informal sector limit the effectiveness of Ministry of Labor enforcement outside the formal sector.¹⁵⁷¹ Limited government funds are allocated to child labor issues.¹⁵⁷² Labor inspectors focus on the formal sector, where child labor appears to be less frequent, and few complaints of child labor laws are presented.¹⁵⁷³

The Government of El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.¹⁵⁷⁴

¹⁵⁵⁸ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de 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.

¹⁵⁵⁹ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, 3.

¹⁵⁶⁰ *Código de Trabajo*, Article 114. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*.

¹⁵⁶¹ *Código de Trabajo*, Article 114.

¹⁵⁶² U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

¹⁵⁶³ *Código de Trabajo*, Article 116.

¹⁵⁶⁴ U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 6d and 6e.

¹⁵⁶⁵ Government of El Salvador, *1983 Constitution*, Article 9. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6c.

¹⁵⁶⁶ *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also *1983 Constitution*, Article 215.

¹⁵⁶⁷ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6f.

¹⁵⁶⁸ U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

¹⁵⁶⁹ *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2731*.

¹⁵⁷⁰ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

¹⁵⁷¹ *Ibid.* See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

¹⁵⁷² U.S. Embassy- San Salvador, *unclassified telegram no. 2260*.

¹⁵⁷³ U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

¹⁵⁷⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 and the U.S. Government to improve the country's adherence to international labor standards, including those related to child labor.¹⁵⁷⁵ The country has government-sponsored and private programs to provide vocational education for at-risk children.¹⁵⁷⁶ 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, and will aim to ensure free education for all.¹⁵⁷⁷ The government provides assistance to child victims of trafficking and is constructing two shelters for trafficked children. In addition, the government helped sponsor a public awareness campaign aimed at reducing young girls' vulnerability to trafficking.¹⁵⁷⁸

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 32 percent of children ages 10 to 14 years in Equatorial Guinea were working.¹⁵⁷⁹ Children work primarily on family farms, in street vending,¹⁵⁸⁰ in bars and grocery stores.¹⁵⁸¹ There is evidence that children engage in prostitution,¹⁵⁸² particularly in the capital city of Malabo.¹⁵⁸³ Children are trafficked within the country and from neighboring countries in West and Central Africa for commercial sexual exploitation and bonded labor as domestic servants, farmhands and street hawkers.¹⁵⁸⁴

Education is compulsory through primary school, but the law is not enforced.¹⁵⁸⁵ In 2000, the gross primary enrollment rate was 120.4 percent, and the net primary enrollment rate was 71.7 percent.¹⁵⁸⁶ Attendance rates are not available for Equatorial Guinea.¹⁵⁸⁷ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵⁸⁸ Late entry into the school system and high dropout

¹⁵⁷⁵ U.S. Embassy-Yaounde, *unclassified telegram no. 3123*, July 2000.

¹⁵⁷⁶ Ibid.

¹⁵⁷⁷ Integrated Regional Information Networks, "Equatorial Guinea: Basic Education Plan Ratified", IRINnews.org, [online], September 26, 2002 [cited July 15, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=30109>.

¹⁵⁷⁸ U.S. Department of State, *Trafficking in Persons Report- 2003: Equatorial Guinea*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

¹⁵⁷⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁵⁸⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Equatorial Guinea*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18181.htm>.

¹⁵⁸¹ Integrated Regional Information Networks, *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>.

¹⁵⁸² Ibid.

¹⁵⁸³ afrol.com, *Child Labour Increasing in Equatorial Guinea*, [online] November 21, 2000 [cited July 15, 2003]; available from http://www.afrol.com/News/eqg023_child_labour.htm. See also afrol.com, *Prostitution Booms in Equatorial Guinea as Education Sector Folds Up*, [online] October 12, 2000 [cited July 15, 2003]; available from http://www.afrol.com/News/eqg013_prostitution.htm.

¹⁵⁸⁴ U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*.

¹⁵⁸⁵ U.S. Department of State, *Country Reports- 2002: Equatorial Guinea*, Section 5.

¹⁵⁸⁶ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹⁵⁸⁷ According to the representative of UNICEF in Equatorial Guinea in 2000, 50 percent of school-age children did not attend primary school. See afrol.com, *Child Labour Increasing*.

¹⁵⁸⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

rates are common, and girls are more likely than boys to drop out of school.¹⁵⁸⁹ Pregnancy and the expectation that girls will assist with agricultural work result in lower education attainment levels for girls, with only 12 percent of girls reaching the secondary level compared with more than 24 percent of boys in 1999.¹⁵⁹⁰

Child Labor Laws and Enforcement

Labor laws set the minimum age for employment at 14 years, but the law is not enforced.¹⁵⁹¹ Children as young as 13 years of age can work in light jobs on the condition that the work does not affect their health, growth, or school attendance. Children who are 12 years old may work in agriculture or craft making.¹⁵⁹² Children under 16 years are prohibited from work that might harm their health, safety, or morals.¹⁵⁹³ In 2001, the government passed a measure banning all children under the age of 17 years from being on the streets and from working after 11 p.m. This measure was undertaken by the Ministry of the Interior to curb growing levels of prostitution, delinquency, and alcoholism among young people employed in bars, grocery stores, and as street hawkers. The measure calls for the arrest of violators and fining of parents as punishment for violations.¹⁵⁹⁴ Forced or bonded labor by children is prohibited.¹⁵⁹⁵ Although prostitution is illegal¹⁵⁹⁶, the country does not have an anti-trafficking law but is in the process of drafting legislation.¹⁵⁹⁷

The Ministry of Labor corps of 50 national labor inspectors enforces labor laws.¹⁵⁹⁸ However, the government devotes little attention to the rights of children, and fails to enforce minimum age laws for work or laws mandating education through primary school.¹⁵⁹⁹

The Government of Equatorial Guinea ratified ILO Convention 138 on June 12, 1985 and ILO Convention 182 on August 13, 2001.¹⁶⁰⁰

¹⁵⁸⁹ UN Economic and Social Council Commission on Human Rights, *Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World: Report on the Human Rights Situation in the Republic of Equatorial Guinea submitted by the Special Representative of the Commission, Mr. Gustavo Gallón*, pursuant to Commission resolution 2000/19, E/CN.4/2001/38, United Nations, Geneva, January 16, 2001; available from [http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/0c79798828d22553c1256a15005b5ddf/\\$FILE/G0110211.pdf](http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/0c79798828d22553c1256a15005b5ddf/$FILE/G0110211.pdf).

¹⁵⁹⁰ U.S. Department of State, *Country Reports- 2002: Equatorial Guinea*, Section 5.

¹⁵⁹¹ *Ibid.*, Section 6d.

¹⁵⁹² 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*.

¹⁵⁹³ *Ibid.*

¹⁵⁹⁴ Integrated Regional Information Networks, *Equatorial Guinea; Minors Grounded*.

¹⁵⁹⁵ U.S. Department of State, *Country Reports- 2002: Equatorial Guinea*, Section 6b.

¹⁵⁹⁶ Protection Project, *Human Rights Report on Trafficking in Persons, Especially Women and Children: Equatorial Guinea*, 2002; available from <http://www.protectionproject.org/main1.htm>.

¹⁵⁹⁷ U.S. Department of State, *Trafficking in Persons Report: Equatorial Guinea*.

¹⁵⁹⁸ U.S. Embassy-Yaounde, *unclassified telegram no. 3123*.

¹⁵⁹⁹ U.S. Department of State, *Country Reports- 2002: Equatorial Guinea*, Sections 5 and 6d.

¹⁶⁰⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 15, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the State of Eritrea, through its Ministry of Labor and Human Welfare (MLHW), has been carrying out community awareness raising activities in the area of children's rights as well as implementing educational access and vocational training programs.¹⁶⁰¹ The 2000 National Plan of Action for the Prevention, Rehabilitation, and Reintegration of Commercial Sex Workers in Eritrea outlines awareness raising, teacher training, vocational education, counseling, and inspection strategies that the government is pursuing to prevent child prostitution.¹⁶⁰² The Ministry of Education works in partnership with Mercy Corps on a USDA-funded school feeding program aimed at improving school enrollment, attendance, and performance and has hired and trained two field monitors to assist in program monitoring and evaluation.¹⁶⁰³

The government has initiated programs to construct new schools in remote villages, increase the number of teachers, and raise the enrollment and retention level of girls.¹⁶⁰⁴ In 2003, under a USAID-funded girls' scholarship pilot project, 80 middle school girls in two regions of Eritrea received financial support, materials, and tutoring services. In addition, a community awareness campaign was undertaken in several communities to promote the importance of girls' education.¹⁶⁰⁵ The Convention on the Rights of the Child has been translated into several local languages and has been circulated it widely.¹⁶⁰⁶ The government has provided training to social workers working with vulnerable children, provided rehabilitation and counseling programs for children affected by war, and initiated a program to reintegrate vulnerable children and orphans into their extended families.¹⁶⁰⁷

The government is implementing the "Integrated Early Childhood Development Project" with USD 4 million of its own money, a USD 40 million loan from the World Bank, and a USD 5 million grant from the Government of Italy. The project is designed to improve childcare and education, address child health issues, and provide support for children in need of special care and protection.¹⁶⁰⁸ UNICEF is promoting access to education in war-affected areas by rehabilitating schools, providing learning materials to displaced children, establishing makeshift classrooms, facilitating school feeding programs, and training teachers.¹⁶⁰⁹ UNICEF also promotes girls education through awareness-raising activities, gender-sensitive curriculum development, capacity building, improving school infrastructure, and training for female teachers.¹⁶¹⁰

¹⁶⁰¹ ECPAT International, *Eritrea*, ECPAT International, [database online] [cited June 18, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database.

¹⁶⁰² Ibid.

¹⁶⁰³ U.S. Department of Agriculture, *The Global Food for Education Pilot Program*, Report to the United States Congress, February, 2003, Eritrea; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/africa.htm>. See also ReliefWeb, *Mercy Corps and AGECA team up to feed Eritrean school children*, October 25, 2002 [cited June 16, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/0/a39c7a34415d0e42c1256c6000390717?OpenDocument>.

¹⁶⁰⁴ Minister of Labour and Human Welfare of the State of Eritrea, H.E. Mrs. Askalu Mekerious, Statement at the United Nations Special Session on Children, May 9, 2002; available from <http://www.un.org/ga/children/eritreae.htm>.

¹⁶⁰⁵ U.S. Embassy - Asmara, electronic communication to USDOL official, February 24, 2004.

¹⁶⁰⁶ Statement at the United Nations Special Session on Children. See also ECPAT International, *Eritrea*.

¹⁶⁰⁷ UN Committee on the Rights of the Child, *Consideration of Reports of States Parties*, CRC/C/SR.866, United Nations, Geneva, June 2, 2003, para.2, 3.

¹⁶⁰⁸ World Bank, *Eritrea: Integrated Early Childhood Development Project*, January 10, 2000; available from <http://www.worldbank.org/children/costs/eritre.htm>. See also Ephrem Habtetsion, *Eritrea: Towards Enhanced Early Childhood Education*, Shaebia, October 25, 2002 [cited March 5, 2003]; available from http://shaebia.org/artman/publish/article_273.html.

¹⁶⁰⁹ UNICEF, *Donor Update: Eritrea*, June 20, 2002.

¹⁶¹⁰ UNICEF, *Girls Education in Eritrea*, [online] 2003 [cited March 5, 2003]; available from http://unicef.org/programme/girlseducation/action/ed_profiles/Eritreafinal.PDF.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 38.2 percent of children ages 10 to 14 years in Eritrea were working.¹⁶¹¹ Children work as street vendors, traders, in domestic services, in small-scale manufacturing, and on family farms.¹⁶¹² Some children have been reported to be involved in small-scale gold mining.¹⁶¹³

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.¹⁶¹⁴ A 1999 MLHW survey on commercial sex workers revealed that 5 percent of prostitutes surveyed in Eritrea were between the ages of 14 and 17 years old. The presence of troops and peacekeepers associated with the UN Mission in Eritrea and Ethiopia (UNMEE) has reportedly increased children's participation in commercial sexual exploitation in Eritrea.¹⁶¹⁵ In addition, due to insufficient birth registrations, children reportedly fought as soldiers with the Eritrean People's Liberation Front during the war for independence and the recent conflict from 1998 to 2000.¹⁶¹⁶ However, there were no reports in 2002 that the government had recruited children under the age of 18 as soldiers.¹⁶¹⁷

Education is free and compulsory through grade seven.¹⁶¹⁸ In 2000, the gross primary enrollment rate was 59.5 percent; 65.3 percent for boys and 53.6 percent for girls. The net primary enrollment rate was 41.0 percent.¹⁶¹⁹ The Ministry of Education estimated that only 38 percent of children attend school.¹⁶²⁰

Child Labor Laws and Enforcement

The Transitional Labor Law No. 8/91 sets the minimum age for employment at 18 years, and allows for the employment of apprentices starting at the age of 14 years.¹⁶²¹ 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

¹⁶¹¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁶¹² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Eritrea*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8370.htm>. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Eritrea*, United Nations, Geneva, June 6, 2003, para.55.

¹⁶¹³ 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; 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).

¹⁶¹⁴ 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>. See also ECPAT International, *Eritrea*.

¹⁶¹⁵ ECPAT International, *Eritrea*.

¹⁶¹⁶ 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 conflict in 1998-2000, children were used as soldiers ("Red Flags") during the 30-year war for independence. See Coalition to Stop the Use of Child Soldiers, "Eritrea," in *Global Report 2001*; available from <http://www.globalmarch.org/virtuallibrary/childsoldiers-global-report/child-soldiers/eritrea.doc>. See also Integrated Regional Information Network, "Ethiopia-Eritrea: End to Use of Child Soldiers Urged", IRINnews.org, July 11, 2000 [cited April 18, 2003]; available from http://www.irinnews.org/report.asp?ReportID=2837&SelectRegion=Horn_of_Africa&SelectCountry=ETHIOPIA-ERITREA.

¹⁶¹⁷ U.S. Department of State, *Country Reports 2002: Eritrea*, Section 6d. This is the most recent year for which such information is available.

¹⁶¹⁸ Ibid., Section 5. See also Youth at the United Nations, *Country Profiles on the Situation of Youth: Eritrea*, United Nations; available from <http://esa.un.org/socdev/unyin/country3b.asp?countrycode=er>. See also U.S. Embassy- Asmara, *unclassified telegram no. 1447*, October 2, 2002.

¹⁶¹⁹ World Bank, *World Development Indicators 2003*.

¹⁶²⁰ U.S. Department of State, *Country Reports 2002: Eritrea*, Section 5.

¹⁶²¹ Government of Eritrea, *Transitional Labour Law No. 8/91*, Articles 2, 27, 30, 32, as cited in U.S. Embassy- Asmara official, letter to USDOL official, August 23, 1996.

between 6 p.m. and 6 a.m., and that young employees may not work more than 7 hours per day.¹⁶²² Apprentices under 18 years of age are prohibited from performing dangerous and abusive labor.¹⁶²³ 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.¹⁶²⁴

The 1996 Constitution prohibits forced labor. Articles 8 and 9 in the National Service Proclamation (No.83/95, 23 October 1995) sets the minimum age for military service at 18 years and requires 18 months of duty.¹⁶²⁵ 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.¹⁶²⁶ Labor inspectors in the MLHW are charged with enforcing the child labor laws, but inspections are infrequent due to the small number of inspectors.¹⁶²⁷

The Government of Eritrea ratified ILO Convention 138 on February 22, 2000, but has not ratified ILO Convention 182.¹⁶²⁸

¹⁶²² U.S. Embassy- Asmara, *unclassified telegram no. 1447*. See also The U.S. Commercial Service, *ERITREA COUNTRY COMMERCIAL GUIDE FY2002*, U.S. & Foreign Commercial Service and U.S. Department of State, 2001, Chapter 7; available from <http://www.usatrade.gov/website/ccg.nsf/CCGurl/CCG-ERITREA2002-CH-7:-00508DA8>.

¹⁶²³ U.S. Department of State, *Country Reports 2002: Eritrea*, Section 6d.

¹⁶²⁴ U.S. Embassy- Asmara, *unclassified telegram no. 1447*.

¹⁶²⁵ Coalition to Stop the Use of Child Soldiers, "Eritrea."

¹⁶²⁶ 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. See ECPAT International, *Eritrea*. See also The Protection Project, *Human Rights Report: Eritrea*, [online] 2003 [cited June 6, 2003], Law and Law Enforcement; available from <http://www.protectionproject.org/main1.htm>.

¹⁶²⁷ U.S. Embassy- Asmara, *unclassified telegram no. 1447*. See also U.S. Department of State, *Country Reports 2002: Eritrea*, Section 6d. Laws on commercial sexual exploitation are also reported to be inadequate and poorly enforced. See ECPAT International, *Eritrea*.

¹⁶²⁸ ILOLEX, *Ratifications of the Fundamental human rights Conventions by country in Africa*, in ILOLEX, [database online] [cited April 29, 2003]; available from <http://www.ilo.org/ilolex/english/docs/declAF.htm>.

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

From 1998 to 2000, the Government of Estonia participated in a European Commission anti-trafficking initiative called the STOP Project.¹⁶²⁹ The second phase of the project, “Minors in the Sex Trade,” promoted networking among law enforcement officials in Estonia and other countries in the region.¹⁶³⁰ From 2001 to 2002, Estonian government ministries, migration authorities and police¹⁶³¹ participated in a regional IOM project to gather information and raise awareness about the problem of trafficking, and strengthen the capacity of the Baltic governments to prevent trafficking.¹⁶³² In early 2002, with funding from USDOL, ILO-IPEC conducted a study on children involved in drug trafficking in Estonia.¹⁶³³ In cooperation with the Baltic governments, the Nordic Council of Ministers initiated an anti-trafficking campaign in the region, including Estonia, for the period of 2002 to 2003.¹⁶³⁴ The government has developed a National Strategy for Child Protection through the year 2008 that includes a national social welfare program for children and their families who need social care and educational support for at-risk children. Children considered most at-risk are street children.¹⁶³⁵

The Government of Estonia has a system of benefits that provides support to vulnerable families, and it operates a school meal program.¹⁶³⁶ The Ministry of Education and Research supports a variety of youth vocational training projects under the country’s “Youth Work” program.¹⁶³⁷

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 indicated that youths aged 16 to 17 made up 0.2 percent of the total labor force, and no exploitation of children

¹⁶²⁹ Marjut Jyrkinen, Leena Karjalainen, and Lauri Hollmén, *An Introduction to the Project Minors in the Sex Trade*, 2001; available from <http://www.stakes.fi/sexviolence/stop/STOPintro.doc>.

¹⁶³⁰ The project facilitated the investigation of criminal cases, one of which occurred in Estonia, by the Government of Finland against Finnish nationals accused of buying sex from minors abroad. See Ibid. To date, however, the framework has not been used specifically for anti-trafficking cooperation. See U.S. Department of State, *Trafficking in Persons Report- 2003: Estonia*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm#estonia>.

¹⁶³¹ IOM, *Prevention of Trafficking in Women in the Baltic States: Final Report to Donors*, no date, cover page; available from http://www.focus-on-trafficking.net/pdf/Trafficking_SIDA_report_Final.pdf.

¹⁶³² Ibid., 2. The information-gathering phase was funded by the Governments of the United States, Finland, and Sweden, and the awareness-raising campaign was funded by the Government of Sweden. See IOM, *Trafficking in Women and Prostitution in the Baltic States: Social and Legal Aspects*, press release, Vilnius, October 15, 2001; available from <http://www.iom.fi/press-release/pr-2001-oct-trafficking.pdf>. See also IOM, *Prevention of Trafficking in Women in the Baltic States*. See also IOM, *Online Project Compendium*, [online] [cited August 29, 2002]; available from <http://www.iom.int/iomwebsite/Project/ServletSerachProject?event+detail&id+FI1Z045>.

¹⁶³³ 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. See 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; available from <http://www.ilo.org/public/english/standards/ippec/simpoc/estonia/ra/drugs.pdf>.

¹⁶³⁴ For background information on the Nordic Council’s efforts, see Nordic Council and Council of Ministers, *Nordic Gender Equality: Projects*, [online] November 20, 2002 [cited July 15, 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*, [online] [cited July 15, 2003]; available from <http://www.nmr.ee/women/>.

¹⁶³⁵ U.S. Embassy– Tallinn, *unclassified telegram no. 1295*, August 22, 2003.

¹⁶³⁶ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Estonia*, CRC/C/15/Add.196, Geneva, January 31, 2003, 1.

¹⁶³⁷ Ministry of Education and Research, *Estonian Youth Work Development Plan for 2001 - 2004*, July 3, 2001, 4-5; available from <http://www.hm.ee/>.

was noted.¹⁶³⁸ Children are engaged in prostitution in Estonia.¹⁶³⁹ Estonia is a source country for women and girls trafficked internally and abroad for the purpose of commercial sexual exploitation.¹⁶⁴⁰ There is also evidence that children are involved in drug trafficking, and there is a connection between drug use and children engaged in prostitution.¹⁶⁴¹ In 1999, an estimated 100 to 200 children were homeless and living on the streets in Estonia.¹⁶⁴²

The Constitution states that education is compulsory and free for children,¹⁶⁴³ and the Education Act of 1992¹⁶⁴⁴ and the Basic Schools and Upper Secondary Schools Act of 1993 establish that children must attend school for a period of nine years.¹⁶⁴⁵ In 2000, the gross primary enrollment rate was 103 percent, and the net primary enrollment rate was 97.6 percent.¹⁶⁴⁶ Primary school attendance rates are not available for Estonia.¹⁶⁴⁷ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁶⁴⁸ In 1999, 99.2 percent of children enrolled in primary school reached grade 5.¹⁶⁴⁹

Child Labor Laws and Enforcement

The Employment Contract Act sets the minimum age for employment at 18 years, although children 15 to 17 years may work with the consent of a parent or guardian, and children 13 to 15 years may work with the consent of a parent or guardian and a labor inspector.¹⁶⁵⁰ Children under 18 years may not perform hazardous or

¹⁶³⁸ Government of Estonia, *Estonian National Report on Follow-up to the World Summit for Children, 2000*, UNICEF, 2000, Section: "Economic exploitation and child labour"; available from http://www.unicef.org/specialsession/how_country/index.html.

¹⁶³⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Estonia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18363.htm>. According to a NGO study conducted among the police of Tallinn in 2002, 6 percent of prostitutes are 15 years old and younger, and 20 percent are 16 to 18 years old. See 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/IrisPettaiIngl.pdf>.

¹⁶⁴⁰ Victims are trafficked internally from the northeast region of the country to the capital of Tallinn. Victims are trafficked abroad to Finland, Sweden, the other Nordic countries, Germany and Italy. See U.S. Department of State, *Trafficking in Persons Report: Estonia*.

¹⁶⁴¹ Nelli Kalikove, Kurbatova, and Talu, *Estonia Children and Adolescents Involved in Drug Use and Trafficking: A Rapid Assessment*, 57.

¹⁶⁴² The same report stated that an estimated 4,000 to 5,000 children were evading school and lacked parental care, and were "on the streets." Child homelessness is more problematic in the cities of Tallinn, Tartu, and Narva. See Government of Estonia, *Estonian National Report*, Section: "A child deprived of the family". 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, January 2003. In October 2003, the Director of Tallinn's Child Support Center said there was sufficient room in municipally-supported "safe houses" for at-risk youth to meet demand. See Postimees Daily article, October 13, 2003, as cited in U.S. Embassy- Tallinn, electronic communication to USDOL official, February 20, 2004.

¹⁶⁴³ *Constitution of the Republic of Estonia*, Article 37; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>.

¹⁶⁴⁴ UNESCO International Bureau of Education, *World Data on Education*, [database online] April 2000 2001 [cited October 10, 2003]; available from http://nt5.scbb.com/cgi-bin/omisapi.dll?clientID=650185&COUNTRY=estonia&FREETEXT=&KEYWORD=®ION=&THEME=&WCount=4&advquery=%5bHeadings%20Country%2c%20estonia%5d&depth=2&headingswithhits=on&hitsperheading=on&infobase=iwde.nfo&record={DD3}&softpage=PL_frame.

¹⁶⁴⁵ Government of Estonia, *Basic Schools and Upper Secondary Schools Act of 1993*, Article 17; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=025>.

¹⁶⁴⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁶⁴⁷ One report indicates that approximately 97 percent of eligible children attended school in 2002. See U.S. Department of State, *Country Reports-2002: Estonia*, Section 5.

¹⁶⁴⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁶⁴⁹ World Bank, *World Development Indicators 2003*.

¹⁶⁵⁰ 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. Compliance and enforcement of this Act is the responsibility of the Labour Inspectorate. See *Republic of Estonia Employment Contract Act of 1992*, Article 2, 7 and 145; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=025>. See also Embassy of Estonia II Secretary Miko Haljas, letter to USDOL official, November 26, 2001.

dangerous work.¹⁶⁵¹ The Working and Rest Time Act limits the hours that children under 18 years old can work and prohibits overtime or night work.¹⁶⁵² The Constitution prohibits forced or bonded labor.¹⁶⁵³ Articles 133 and 134 of the Penal Code, which took effect on September 1, 2002, criminalize enslavement and abduction, and provide for penalties from 2 to 12 years imprisonment if the crime is committed against a person less than 18 years of age.¹⁶⁵⁴ 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.¹⁶⁵⁵

The Legal Chancellor supervises guaranteeing the rights of the child in Estonia.¹⁶⁵⁶ Under the Child Protection Act of 1992, the Ministry of Social Affairs coordinates the protection of children in cooperation with the Ministry of Education, the National Police Board and other state agencies.¹⁶⁵⁷ The Ministry of Social Affairs and the Ministry of Internal Affairs are responsible for matters relating to trafficking.¹⁶⁵⁸ The Occupational Health and Safety Act gives enforcement responsibilities for labor laws to the Labor Inspector Service.¹⁶⁵⁹ In 2002, the Government of Estonia adopted Regulation 253, delegating investigation of the worst forms of child labor as defined by ILO Convention 182 to the National Police Board.¹⁶⁶⁰ The government effectively enforces minimum age laws through inspections¹⁶⁶¹ and has investigated trafficking crimes under the 2002 Penal Code. As of December 2003, however, one trafficking case has been turned over by police to the courts.¹⁶⁶²

The Government of Estonia has not ratified ILO Convention 138, but ratified ILO Convention 182 on September 24, 2001.¹⁶⁶³

¹⁶⁵¹ 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. See Embassy of Estonia II Secretary Miko Haljas, letter, November 26, 2001.

¹⁶⁵² *Working and Rest Time Act of January 24, 2001*, Articles 5, 8, 11, 15, 20–22; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=025>.

¹⁶⁵³ *Constitution of the Republic of Estonia*, Article 29.

¹⁶⁵⁴ Government of Estonia, *Penal Code*, (June 6, 2001); available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>.

¹⁶⁵⁵ *Ibid.*, Articles 175–79.

¹⁶⁵⁶ U.S. Embassy–Tallinn, *unclassified telegram no. 1295*. The Legal Chancellor is an independent official appointed by the parliament for a term of seven years, who serves as ombudsman and judicial reviewer to ensure the protection of constitutional rights and freedoms of individuals in Estonia. See Estonia Legal Chancellor, *What is the Legal Chancellor?*, [online] 2003 [cited September 1, 2003]; available from http://www.oiguskantsler.ee/index.php?lang=eng&main_id=462,527&PHPSESSID=dc78f6ea4e8925b792904b3b305efcd.

¹⁶⁵⁷ Government of Estonia, *Estonian National Report*.

¹⁶⁵⁸ Elmar Nurmela, *Trafficking in Women in the Baltic States: Legal Aspects*, IOM Regional Office for the Baltic and Nordic Countries, Helsinki, 2001, Annex II.

¹⁶⁵⁹ Government of Estonia, *Occupational Health and Safety Act, 1999*, Article 25 and 26; available from <http://www.legaltext.ee/en/andmebaas/ava.asp?m=0221>. See also ILO, *Review of Annual Reports: The Effective Abolition of Child Labor, Estonia*, GB.277/3/2, Geneva, March 2000; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb277/pdf/d2-abol.pdf>.

¹⁶⁶⁰ U.S. Embassy–Tallinn, *unclassified telegram no. 1295*. Estonian Ministry of Social Affairs officials consider that through Regulation No. 253 of August 8, 2002 and Regulation No. 214 of July 1992 Estonia has taken effective measures required under ILO Convention 182. See U.S. Embassy–Tallinn, electronic communication.

¹⁶⁶¹ U.S. Department of State, *Country Reports- 2002: Estonia*, Section 6d.

¹⁶⁶² Another five cases involving 15 individuals were under investigation. See U.S. Embassy–Tallinn, electronic communication.

¹⁶⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 21, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Ethiopia is an associated country of ILO-IPEC.¹⁶⁶⁴ The government participated in a Child Labor Forum in 1999 initiated by the ILO regional office in Addis Ababa. The object of the forum was 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.¹⁶⁶⁵ A SIMPOC study on child domestic workers in Addis Ababa was published in 2002.¹⁶⁶⁶ The Ministry of Labor and Social Affairs (MOLSA), along with the Ethiopian Central Statistical Authority and ILO-IPEC's SIMPOC, conducted a national household survey on child labor in 2001.¹⁶⁶⁷ In March 2003, UNICEF hosted a 2-day workshop in Addis Ababa aimed at informing stakeholders from the international community, the Ethiopian Government, law enforcement officials, and welfare advocates about the issue of sexual abuse of women and children.¹⁶⁶⁸ UNICEF also released a book detailing the rights of children in May 2003. Some 5,000 copies of the book – translated in 5 languages – will be distributed to schools and clinics around the country.¹⁶⁶⁹

With funding from the African Development Bank Group, the Government of Ethiopia is carrying out the Education III project, which consists of developing primary education, institutional development, and program management.¹⁶⁷⁰ The government plays a coordinating role with the WFP on a USDA funded school feeding program aimed at improving school children's nutrition, attendance and participation in school, and parental involvement in school activities. The Ministry of Education covers all import duties and taxes relating to any imported ingredients needed for school snacks.¹⁶⁷¹ The Ethiopian Ministry of Education is collaborating with UNICEF to implement the government's Education Sector Plan and is supporting programs designed to promote girls' education.¹⁶⁷² Another UNICEF campaign is devising strategies to get more girls in school in the regions of Gambella, Benishangul-Gumuz, Oromiya, the Southern Nations Nationalities and Peoples Region and Amhara.¹⁶⁷³

¹⁶⁶⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited April 8, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁶⁶⁵ U.S. Embassy– Addis Ababa, *unclassified telegram no. 1343*, April 2000.

¹⁶⁶⁶ Abiy Kifle, Ph.D, *Ethiopia - Child Domestic Workers in Addis Ababa: A Rapid Assessment*, ILO-IPEC, Geneva, July 2002; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ethiopia/ra/domestic.pdf>.

¹⁶⁶⁷ Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report*, 2001; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ethiopia/>.

¹⁶⁶⁸ AllAfrica.com, “Unicef Hosts Prevention Of Sexual Abuse And Exploitation Workshop”, [online], March 13, 2003 [cited March 14, 2003]; available from <http://allafrica.com/stories/200303130894.html>.

¹⁶⁶⁹ UN Integrated Regional Information Networks, “Ethiopia: Book launched to explain child rights”, [online], May 9, 2003 [cited May 9, 2003]; available from <http://www.irinnews.org/report.asp?ReportID=34001>.

¹⁶⁷⁰ The African Development Bank Group, *Project Information Sheet, Education Project III*, [online] 2003 [cited May 12, 2003]; available from http://www.afdb.org/projects/projects/education_III_Ethiopia.htm.

¹⁶⁷¹ U.S. Department of Agriculture, *The Global Food for Education Pilot Program*, Report to the United States Congress, Washington D.C., 2003, Ethiopia; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/africa.htm>.

¹⁶⁷² UNICEF, “Girls’ Education in Ethiopia”, [online], July 24, 2002 [cited April 8, 2003]; available from <http://www.unicef.org/programme/girlseducation/action/cases/ethiopia.htm>. Education received approximately 14 percent of the government's budget in 2002. See Embassy of Ethiopia, *Ethiopia Pleased to Receive Fast-Track Status for New World Bank Education Initiative*, [online] June 12, 2002 [cited June 2, 2003]; available from <http://www.ethiopianembassy.org/pr061202.shtml>. See also UN Integrated Regional Information Networks, “Focus on Primary Education”, [online], July 30, 2002 [cited June 2, 2003]; available from <http://allafrica.com/stories/200207300147.html>.

¹⁶⁷³ A workshop is being organized for educators that will address barriers for girls in school. See UN Integrated Regional Information Networks, “Focus on Primary Education”.

In June 2002, Ethiopia was given “fast track” status in the World Bank’s Education for All Fast Track Initiative.¹⁶⁷⁴ USAID is funding a 6-year educational program that focuses on training new teachers, providing in-service training for existing teachers, providing radio instruction opportunities, strengthening community-government partnerships, and improving education management systems.¹⁶⁷⁵

Incidence and Nature of Child Labor

The Ethiopia Child Labor Survey Report reported that approximately 85 percent of children aged 5 to 17 were engaged in some form of productive or housekeeping activities in 2001.¹⁶⁷⁶ About 34 percent of children who attend school engage in productive and housekeeping activities.¹⁶⁷⁷ In urban areas, children work in domestic work, street peddling, construction, manufacturing, shop and market sales work, and as employees in private enterprises.¹⁶⁷⁸ According to a child labor study in rural Ethiopia in 1999, 30 percent of the workers surveyed on state-owned farms are children ages 7 to 14 years.¹⁶⁷⁹ Children work on commercial cotton, sugarcane, coffee, and tea farms.¹⁶⁸⁰ 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.¹⁶⁸¹

The commercial sexual exploitation of children is reported to be increasing in Ethiopia.¹⁶⁸² Girls as young as 11 years old have been reportedly recruited to work in brothels. Girls also work as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops.¹⁶⁸³ Children are trafficked internally in Ethiopia for forced labor

¹⁶⁷⁴ World Bank, *World Bank Announces First Group Of Countries For ‘Education For All’ Fast Track*, (News Release No: 2002/345/S), [online] June 12, 2002 [cited April 8, 2003]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>. See also Embassy of Ethiopia, *Ethiopia Pleased to Receive Fast-Track Status*.

¹⁶⁷⁵ USAID, *Ethiopia: Program Data Sheet 663-009*, [online] [cited April 8, 2003]; available from <http://www.usaid.gov/country/afr/et/663-009.html>.

¹⁶⁷⁶ This high percentage of working children is largely due to the fact of high levels of poverty. Productive activities refer to work that involves the production of goods and/or services for sale or exchange and production of certain products for own consumption. Household activities refer to personal services of a domestic nature provided by unpaid household child members in their own parents’, grandparents’, guardian’s or spouse’s household, and as such, are considered non-economic. See Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report 2001*, xiii.

¹⁶⁷⁷ *Ibid.*, 42.

¹⁶⁷⁸ *Ibid.* Children working as domestic servants, most of whom are girls, are sometimes victims of physical, emotional and sexual abuse, including rape. See ILO/EAMAT, *A Study on Child Labour in an Urban District of Addis Ababa: working paper on child labour no. 2*, ILO/Eastern Africa Multidisciplinary Advisory Team, Addis Ababa, 2000, 1-3. 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 - 2002: Ethiopia*, U.S. Department of State, Washington D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18203.htm>.

¹⁶⁷⁹ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6d. On the Bebeke Coffee Farm, an estimated 490 children ranging from 7 to 16 years 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.

¹⁶⁸⁰ 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. See also U.S. Embassy- Addis Ababa, *unclassified telegram no. 1965*, June, 2000.

¹⁶⁸¹ Embassy of Ethiopia, *Brief Report on Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, October 2001, 3.

¹⁶⁸² ECPAT International, *Ethiopia*, in ECPAT International, [database online] [cited April 8, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 5.

¹⁶⁸³ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6f. Child prostitution is reportedly on the rise in Ethiopia and girls as young as 13 can be seen on the street soliciting clients. See ECPAT International, *Ethiopia*.

and displaced persons are vulnerable and sometimes must exchange sexual services for food.¹⁶⁸⁴ 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.¹⁶⁸⁵ There are also reports that Ethiopian girls travel to the Middle East for work as domestic servants, where they are sometimes beaten and sexually exploited.¹⁶⁸⁶ Due to the lack of birth registrations, recruitment of children into the armed forces occurred, sometimes forcibly, during the 1998–2000 border conflict with Eritrea. There is no evidence that underage recruitment by the government is continuing.¹⁶⁸⁷ Children as young as 14 years old were reportedly allowed to join local militias.¹⁶⁸⁸

Primary education is compulsory and free, but there are not enough schools to accommodate all students.¹⁶⁸⁹ Students in rural areas often have little access to education¹⁶⁹⁰ and girls' enrollment in school remains lower than that of boys.¹⁶⁹¹ In 2000, the gross primary enrollment rate was 64.4 percent, and the net primary enrollment rate was 46.7 percent.¹⁶⁹² In 2001, 38 percent of children were attending school.¹⁶⁹³ In 1999, 63.8 percent of children enrolled in primary school reached grade five.¹⁶⁹⁴ During the drought of 2003, large numbers of students dropped out of school, but returned when school lunches were instituted by USAID.¹⁶⁹⁵

Child Labor Laws and Enforcement

Article 36 of the Constitution also stipulates that children are not to be subjected to hazardous work or exploitative practices that may be hazardous to their health.¹⁶⁹⁶ Ethiopia's Labor Proclamation sets the minimum age for employment at 14 years.¹⁶⁹⁷ 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).¹⁶⁹⁸ Young workers are

¹⁶⁸⁴ U.S. Department of State, *Trafficking in Persons Report- 2003: Ethiopia*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also ECPAT International, *Ethiopia*.

¹⁶⁸⁵ Reports of this type of abuse have decreased since the Ministry of Labor and Social Affairs began reviewing work contracts of prospective domestic workers. See U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6f.

¹⁶⁸⁶ *Ibid.*, Section 6c. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Saudi Arabia*, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

¹⁶⁸⁷ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 5. See also Coalition to Stop the Use of Child Soldiers, "Ethiopia," in *Global Report 2000*; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/142ed7b620e86cb880256b1d006c2efd?OpenDocument>.

¹⁶⁸⁸ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6d.

¹⁶⁸⁹ *Ibid.*, Section 5.

¹⁶⁹⁰ ILO/EAMAT, *Child Labour in Rural Ethiopia: working paper no. 1*, 1. See also UN Integrated Regional Information Networks, "Focus on Primary Education".

¹⁶⁹¹ The net primary enrollment rate in 2000 for boys was 40.8 percent, and 29.8 percent for girls. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁶⁹² *Ibid.*

¹⁶⁹³ Central Statistical Authority, Ministry of Labor and Social Affairs, and International Labor Organization, *Ethiopia Child Labour Survey Report 2001*, 42.

¹⁶⁹⁴ World Bank, *World Development Indicators 2003*.

¹⁶⁹⁵ U.S. Embassy- Addis Ababa, electronic communication to USDOL official, February 18, 2004.

¹⁶⁹⁶ Embassy of Ethiopia, *Efforts Made by Ethiopia to Eliminate the Worst Forms of Child Labour*, 3.

¹⁶⁹⁷ *Proclamation No. 42/1993*, Negarit Gazeta of the Transitional Government of Ethiopia, Part Six, Chapter 2, Article 89, 295.

¹⁶⁹⁸ A "young worker" refers to those aged 14 to 18. *Ibid.*, Part Six, Chapter Two, Articles 2, 3, 4, at 295.

prohibited from working over 7 hours per day; overtime; between the hours of 10 p.m. and 6 a.m.; during weekly rest days; and on public holidays.¹⁶⁹⁹ Ethiopia's Penal Code specifically prohibits child trafficking which is punishable by imprisonment of up to 5 years and a fine of up to USD 10,000.¹⁷⁰⁰ The law also prohibits forced or bonded labor of children.¹⁷⁰¹

The Ministry of Labor and Social Affairs is responsible for enforcement of child labor laws¹⁷⁰² however, resources for law enforcement and the judicial system are small.¹⁷⁰³ Ten police stations in and around Addis Ababa, in coordination with the Forum On Street Children – Ethiopia, a domestic NGO working with disadvantaged children in Ethiopia, have implemented Child Protection Units staffed by two officers who are trained in children's rights and one social worker.¹⁷⁰⁴

The Government of Ethiopia ratified ILO Convention 138 on May 27, 1999 and ILO Convention 182 on September 2, 2003.¹⁷⁰⁵

¹⁶⁹⁹ Ibid., Part Six, Chapter 2, Articles 90, 91, at 295.

¹⁷⁰⁰ *Penal Code of the Empire of Ethiopia*, (1957), 183, Article 605 a, b. See also Tilahun Teshome, Dean of the Faculty of Law, Addis Ababa University, interview with USDOL official, August 10, 2000.

¹⁷⁰¹ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6c. See also Getaneh Mitiku, Head, Ethiopian Department of Labor, Interview with USDOL Official, August 7, 2000.

¹⁷⁰² U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 6d.

¹⁷⁰³ U.S. Embassy- Addis Ababa, *unclassified telegram no. 3394*, November 9, 2001. See also U.S. Embassy- Addis Ababa, *unclassified telegram no. 1965*.

¹⁷⁰⁴ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Ethiopia*, Section 5. See also ECPAT International, *Good Practices in Combating CSEC*, [online] [cited June 2, 2003]; available from http://www.ecpat.net/eng/CSEC/good_practices/protection_ethiopia.asp.

¹⁷⁰⁵ ILO, *Ratifications of the Fundamental human rights Conventions by country in Africa*, in ILOLEX, [database online] [cited October 2, 2003]; available from <http://www.ilo.org/ilolex/english/docs/declAF.htm>.

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 the Sexual Exploitation of Children.¹⁷⁰⁶ Early in 2003, the Labor Ministry permanent secretary announced that a new bill will be introduced in Parliament to strengthen legal efforts to eliminate child labor.¹⁷⁰⁷ This includes the application of international child labor conventions. There has not been a substantive response on the part of the government to address the reported increase in child labor.¹⁷⁰⁸

The Ministry of Education has stated its commitments to three main goals through the Education for All initiative: improvement of educational facilities and resources in rural areas; increase in the school participation rate and reduce dropout in basic education; and improvement of the quality and relevance of education to all.¹⁷⁰⁹ Action towards achieving these goals has been the duty of the Ministry of Education, which has received financial or human resource assistance from UN agencies, foreign embassies, and NGOs.¹⁷¹⁰ While this initiative does not target child workers specifically, disadvantaged youth are targeted for training in employable skills.¹⁷¹¹ The Ministry of Education is also working with Save the Children Fund to compile data on school enrollment, attendance, completion and dropout rates.¹⁷¹²

Save the Children Fiji has several programs, one which aims to increase the universality of basic education and the other to improve the quality of the school structures.¹⁷¹³ The former provides money to needy schools for textbooks, and the textbooks are then hired out to children. The most disadvantaged children have their book fees subsidized by the school.¹⁷¹⁴ The latter project ensures that needy schools also have water storage tanks and toilets that are in compliance with the Public Health Act. The community is involved in both the construction and maintenance of these facilities.¹⁷¹⁵ Save the Children Fiji also worked to ensure that school attendance would not suffer following the political coup in 2000 by canvassing for funds for school lunches and bus fares.¹⁷¹⁶ Most recently, the Government of New Zealand has pledged several hundred thousand dollars to help rebuild schools destroyed by Cyclone Ami in January 2003.¹⁷¹⁷

¹⁷⁰⁶ Australia Department of Family and Community Services, *Australia's National Plan of Action Against the Commercial Sexual Exploitation of Children*, 2000; available from <http://www.focalpointngo.org/DOCS/English/AustraliaPlanAction.htm>.

¹⁷⁰⁷ *Fiji Gets Tough on Child Labor*, in One News, [online] 2003 [cited May 12, 2003]; available from http://www.onenews.nzzoom.com/onenews_detail/0,1227,159334-1-9,00.html.

¹⁷⁰⁸ U.S. Department of State, *unclassified telegram no. 0474*, July 20, 2003.

¹⁷⁰⁹ UNESCO, *Education For All 2000 Assessment: Country Report— Fiji*, prepared by Mr. Isireli Senibulu Ministry of Education, pursuant to UN General Assembly Resolution 52.84, May 12, 1999; available from <http://www2.unesco.org/wef/countryreports/fiji/contents.html#cont>.

¹⁷¹⁰ Ibid.

¹⁷¹¹ Ibid. For general information on youth training programs provided by the government, see *Ministry of Youth, Employment Opportunities and Sports*, Fiji Government Online, [online] 2003 [cited May 12, 2003]; available from http://www.fiji.gov.fj/ministries/youth_employment_sports.shtml.

¹⁷¹² U.S. Embassy— Suva, *unclassified telegram no. 0756*, September 25, 2001.

¹⁷¹³ *Fiji*, Save the Children New Zealand, [online] 2003 [cited May 12, 2003]; available from <http://www.savethechildren.org.nz/pages/10214301082682523.html>.

¹⁷¹⁴ Ibid.

¹⁷¹⁵ Ibid.

¹⁷¹⁶ *Activities that Support the Right to Survival*, Save the Children, [online] 2003 [cited May 12, 2003]; available from <http://www.seapa.net/external/activities.htm>.

¹⁷¹⁷ Hon Marian Hobbs, *NZ Pledges More Money to Cyclone Hit Fiji*, Government of New Zealand, [online] 2003 [cited May 28, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/a1b47f02770adf27c1256d10003fc70?OpenDocument>.

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,¹⁷¹⁸ in homes as domestic workers, as shoe shiners, or in car repair shops.¹⁷¹⁹ Homeless children also work in the informal sector,¹⁷²⁰ and the number of street children in Suva is reported to be growing.¹⁷²¹ Children are also lured into the commercial sex industry by both local and foreign adults wishing to profit from the pornography trade.¹⁷²²

Primary school education is compulsory for eight years.¹⁷²³ In 1998, the gross primary enrollment rate was 110.4 percent, and the net primary enrollment rate in 2000 was 99.3 percent.¹⁷²⁴ Primary school attendance rates are unavailable for Fiji. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁷²⁵ In general terms, school attendance is reported to be limited for some children due to security concerns, the burden of school fees, and the cost of transportation.¹⁷²⁶

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.¹⁷²⁷ The Constitution prohibits forced labor.¹⁷²⁸ The Penal Code prohibits the sale or hiring of minors under 16 years of age for prostitution.¹⁷²⁹ The laws regulating child labor and their enforcement are both considered insufficient.¹⁷³⁰

The Government of Fiji ratified ILO Convention 138 on January 3, 2003 and ILO Convention 182 on April 17, 2002.¹⁷³¹

¹⁷¹⁸ 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; available from <http://www.icftu.org/displaydocument.asp?Index=990916254&Language=EN&Printout=Yes>.

¹⁷¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Fiji*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18244.htm>.

¹⁷²⁰ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Fiji*.

¹⁷²¹ UN Commission on Human Rights, *Rights of the Child: Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography; Addendum, Report on the Mission of the Special Rapporteur to the Republic of Fiji on the Issue of Commercial Sexual Exploitation of Children (October 11-16, 1999)*, E/CN.4/2000/73/Add.3, prepared by Ofelia Calcetas-Santos, December 27, 1999, Point 104; available from <http://www.193.194.138.190.Huridocda/Huridoca.nsf/0/4aeb5780d6b8516e802568960053e092?OpenDocument>.

¹⁷²² Ibid. Exploitation of children through both prostitution and pornography occurs both by local and foreign abusers. See also The Protection Project, "Fiji," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002, 192-95; available from <http://209.190.246.239/ver2/cr/Fiji.pdf>.

¹⁷²³ UNESCO, *EFA 2000 report: Fiji*.

¹⁷²⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁷²⁵ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁷²⁶ U.S. Department of State, *Country Reports- 2002: Fiji*, 956-60.

¹⁷²⁷ Government of Fiji, *Employment Ordinance*, (1978), Chapter 92, Section VIII; available from http://paclii.org/vu/fj/legis/consol_act/eo202.html.

¹⁷²⁸ *Fiji Constitution*, 1988, Section 24; available from <http://www.oefre.unibe.ch/law/icl/fj00000.html>.

¹⁷²⁹ *Penal Code*, (1978), Section 162-63; available from http://www.vanuatu.usp.ac.fj/paclawmat/Fiji_legislation/Consolidation_1978/Fiji_Penal_Code.html.

¹⁷³⁰ 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. Department of State, *Country Reports- 2002: Fiji*, Section 6d.

¹⁷³¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited May 12, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Gabon is an associated country of ILO-IPEC.¹⁷³² Gabon is one of nine countries working with ILO-IPEC on the first of a two-phase USDOL-funded regional project to combat the trafficking of children in West and Central Africa.¹⁷³³ In May 2002, ILO-IPEC launched the second phase of the project to improve institutional capabilities, promote prevention, and develop strategies to fight child trafficking in Gabon.¹⁷³⁴ 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.¹⁷³⁵ Throughout 2002, the Government of Gabon carried out an anti-trafficking information campaign that included billboards, radio announcements, television coverage, school curricula and child rights pamphlets.¹⁷³⁶ 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.¹⁷³⁷ In the resulting Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.¹⁷³⁸ In September 2002, Gabon hosted a seminar on child trafficking during which government officials and representatives from NGOs and the European Union agreed to coordinate efforts in the fight against child trafficking.¹⁷³⁹

In November 2001, Gabon, UNICEF and several NGOs announced a campaign to increase awareness about child trafficking and inform victims about rehabilitative services.¹⁷⁴⁰ ILO, UNICEF, and the Government of Gabon organized an anti-child trafficking workshop in March 2002. Attendees discussed information exchange, regional cooperation, building stronger institutions, and the repatriation and reintegration of trafficked children.¹⁷⁴¹ The Government of Gabon also opened a center in March 2002 that provides shelter along with legal, medical and psychological assistance to trafficking victims.¹⁷⁴² In June 2002, the U.S. State Department's Africa Bureau

¹⁷³² ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, October 2002.

¹⁷³³ The other countries working on the project include Benin, Burkina Faso, Cameroon, Ghana, Ivory Coast, Mali, Nigeria, and Togo. See 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.

¹⁷³⁴ U.S. Embassy- Libreville, *unclassified telegram no. 0137*, February 28, 2003.

¹⁷³⁵ U.S. Department of State, *Country Reports on Human Rights Practices 2002: Gabon*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18204.htm>.

¹⁷³⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Gabon*, Washington, D.C., June 11, 2003, 50; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

¹⁷³⁷ Integrated Regional Information Networks, "West and Central Africa: IRIN Focus on Regional Efforts Against Child Trafficking", IRINnews.org, [online], January 21, 2002 [cited July 9, 2003]; available from http://www.irinnews.org/report.asp?ReportID=19693&SelectRegion=West_Africa&SelectCountry=CENTRAL_AFRICA-WEST_AFRICA.

¹⁷³⁸ 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 July 22, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=26560>.

¹⁷³⁹ Integrated Regional Information Networks, "Gabon: 'More Effort Needed' on Child Trafficking", IRINnews.org, [online], September 17, 2002 [cited July 10, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=29940>.

¹⁷⁴⁰ Integrated Regional Information Networks, "UNICEF and Partners Against Child Trafficking", IRINnews.org, [online], November 8, 2001 [cited July 15, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=13622>.

¹⁷⁴¹ Integrated Regional Information Networks, "GABON: Child trafficking workshop opens", March 13, 2002 [cited July 17, 2003]; available from http://www.irinnews.org/report.asp?ReportID=25094&SelectRegion=West_Africa&SelectCountry=GABON.

¹⁷⁴² U.S. Department of State, *Trafficking in Persons Report: Gabon*.

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.¹⁷⁴³ The U.S. Mission also received funding in 2003 to provide training and equipment for a special Gabonese police unit to control child trafficking.¹⁷⁴⁴

Between 1998 and 1999, the government implemented initiatives to reinforce basic education and popularize preschool education. As a result of these initiatives, the government increased the number of primary schools.¹⁷⁴⁵ The government has also adopted a plan to reduce repetition rates, particularly among girls.¹⁷⁴⁶

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 13.2 percent of children ages 10 to 14 years in Gabon were working.¹⁷⁴⁷ Children are found working primarily as domestic servants and in the informal sector. Children are trafficked into the country from Benin, Togo, Nigeria, Burkina Faso, and Mali for the purposes of labor and sexual abuse.¹⁷⁴⁸ 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 340.¹⁷⁴⁹

Education is compulsory for children between 6 to 16 years old under the Education Act.¹⁷⁵⁰ Schooling is free, but parents must pay for expenses such as books and school supplies.¹⁷⁵¹ In 2000, the gross primary enrollment rate was 143.8 percent,¹⁷⁵² and the net primary enrollment rate was 87.6 percent.¹⁷⁵³ 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.¹⁷⁵⁴ According to the government, over 40 percent of students drop

¹⁷⁴³ 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. See U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 18, 2002.

¹⁷⁴⁴ U.S. Embassy- Libreville, *unclassified telegram no. 0137*.

¹⁷⁴⁵ UNESCO, *L'évaluation de l'éducation pour tous à l'an 2000: Gabon*, prepared by Jacques Mourende-Tsioba Ministry of National Education, pursuant to UN General Assembly 52/84, Dec 12, 2000; available from <http://www2.unesco.org/wef/countryreports/gabon/contents.html>.

¹⁷⁴⁶ UNICEF, *At a glance: Gabon- The big picture*, [online] August 27, 2003 [cited August 28, 2003]; available from <http://www.unicef.org/infobycountry/gabon.html>.

¹⁷⁴⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁷⁴⁸ The U.S. Department of State regards child trafficking to be a significant human rights problem in Gabon. See U.S. Department of State, *Country Reports-2002: Gabon*, Section 6f. See U.S. Embassy- Libreville, *unclassified telegram no. 0137*. See also Integrated Regional Information Networks, "UNICEF and partners against child trafficking", IRINnews.org, [online], July 15, 2003 2001 [cited November 8]; available from <http://www.irinnews.org/print.asp?ReportID=13622>. See also The Age, *Robbed of Youth and Lost to a Bondage Hell*, theage.com.au, [previously online] April 17, 2001 [cited December 11, 2001]; available from <http://www.theage.com.au/news/2001/04/17/FFX9WJX3LLC.html> [hard copy on file]. 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; available from <http://old.smh.com.au/news/0106/06/features/features1.html>.

¹⁷⁴⁹ Jean-Luc Aplogan, *Slave Trade: Ship Carrying 250 Children Forced to Return to Benin*, United Nations Foundation, [online] April 13, 2001 [cited July 15, 2003]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=14230.

¹⁷⁵⁰ United Nations, *Gabon Presents Initial Report to Committee on Rights of Child*, press release, January 17, 2002; available from <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/537A47397C7C5527C1256B4500378EC9...>

¹⁷⁵¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Gabon*, Washington, D.C., March 4, 2002, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8374.htm>.

¹⁷⁵² World Bank, *World Development Indicators 2003*.

¹⁷⁵³ Ibid.

¹⁷⁵⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

out before they complete the last year of primary school.¹⁷⁵⁵ 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.¹⁷⁵⁶

Child Labor Laws and Enforcement

The Labor Code prohibits children below the age of 16 from working without the consent of the Ministries of Labor, Education, and Public Health.¹⁷⁵⁷ 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.¹⁷⁵⁸ 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.¹⁷⁵⁹ The Labor Code prohibits procurement of a minor for the purpose of prostitution, which is punishable by imprisonment for 2 to 5 years and a fine of CFA 100, 000 to 2,000,000 (USD 187 to 3,741).¹⁷⁶⁰ A January 2002 Executive Order authorizes law enforcement to prosecute individuals illegally employing minors.¹⁷⁶¹

No laws specifically prohibit trafficking in persons.¹⁷⁶² Pursuant to the Criminal Code, accomplices and instigators are subject to the same penalties as the prime offenders.¹⁷⁶³

While the Labor Code is intended to cover all children, in practice it is enforced only in situations involving Gabonese children, and not those who are foreign-born, many of whom work.¹⁷⁶⁴ The Ministry of Justice is responsible for the enforcement of child labor laws, while the Ministry of Labor is charged with receiving,

¹⁷⁵⁵ 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.

¹⁷⁵⁶ 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.

¹⁷⁵⁷ U.S. Department of State, *Country Reports-2002: Gabon*, Section 6d.

¹⁷⁵⁸ 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 Labour Office*, GB.283/3/2, Geneva, March 2002.

¹⁷⁵⁹ U.S. Embassy- Libreville, *unclassified telegram no. 1540*, November 2001.

¹⁷⁶⁰ Government of Gabon, *Criminal Code*, Article 261; available from <http://www.protectionproject.org>. For currency conversion, see Oanda.com, *FXConverter*, [online] [cited October 20, 2003]; available from <http://www.carosta.de/frames/convert.htm>. CFA stands for (African Financial Community), which encompasses Burkina Faso, Senegal, Guinea Bissau, Côte d'Ivoire, Togo, Benin, Equatorial Guinea, Gabon, Mali, Chad, the Central African Republic, Cameroon, the Congo, and the Comoro Islands.

¹⁷⁶¹ *Ibid.*

¹⁷⁶² U.S. Department of State, *Trafficking in Persons Report: Gabon*. In August 2001, the Council of Ministers of Gabon adopted a draft Ordinance that would make 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). For currency conversion, see Oanda.com, *FXConverter*. However, as of the end of 2001, the National Assembly was considering the proposed law, and there is no available information as to its current status. See ILO Governing Body, *Review of Annual Reports*, 345. See also U.S. Department of State, *Country Reports-2002: Gabon*, Section 6f.

¹⁷⁶³ ILO Governing Body, *Review of Annual Reports*, 342.

¹⁷⁶⁴ U.S. Department of State, *Country Reports-2002: Gabon*, Section 6d.

investigating, and addressing child labor complaints.¹⁷⁶⁵ In 2000, Gabon was reported to have 35 labor investigators, none of whom were explicitly tasked with investigating violations of child labor laws.¹⁷⁶⁶

The Government of Gabon has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 28, 2001.¹⁷⁶⁷

¹⁷⁶⁵ Ibid.

¹⁷⁶⁶ The U.S. Department of State found that child labor complaints were not routinely investigated and violations were inadequately addressed. U.S. Embassy- Libreville, *unclassified telegram no. 1365*, July 2000. See also U.S. Department of State, *Country Reports-2002: Gabon*, Section 6d.

¹⁷⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 15, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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,¹⁷⁶⁸ strengthen basic education curricula, and improve teacher training.¹⁷⁶⁹ The government's education efforts are also supported through a joint project with UNICEF, which began in February 1999 and will end in 2003.¹⁷⁷⁰ In 2002 the government initiated a program that paid the school fees for girls enrolled in grades 7 through 12 in public schools, and it now covers girls around the country as well as girls in private schools.¹⁷⁷¹ The government also implements the President's Empowerment of Girls Education project in the Banjul, Western and North Bank.¹⁷⁷² In June 2002, the Government of the Gambia became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.¹⁷⁷³

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 26.9 percent of children ages 5 to 14 years in the Gambia were working.¹⁷⁷⁴ 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.¹⁷⁷⁵ Other sectors where children ages 14 to 17 years are known to work

¹⁷⁶⁸ One method of improving access to education for girls is the Scholarship Trust Fund, which covers the costs of tuition, textbooks, and examination fees for girls at all levels of education. For more information see *Initiatives in Girls Education: The Scholarship Trust Fund*, Secretary of State for Education, [online] [cited June 27, 2003]; available from http://www.edugambia.gm/Directorates/Current_Projects/Girls_Education/body_girls_education.html.

¹⁷⁶⁹ The 1998 project is the continuation of an education program that began in 1988 in the Gambia. See World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 15.0 Million to the Republic of the Gambia for a Third Education Sector Project in Support of the First Phase of the Third Education Sector Program*, No. 17903-GM, August 7, 1998, 3.5. See also World Bank, *Education and Health in Sub-Saharan Africa: A Review of Sector-Wide Approaches*, The Gambia Education Case Study, January 2001, 107. See also *Education Sector Project (03)*, World Bank, [online] June 20, 2003 [cited June 26, 2003]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P035643>. A similar program was 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; available from <http://www.ungambia.gm/unicef/pdf/mpopart2.pdf>. The goal of the Gambian government is that every child receives nine years of schooling, with at least 50 percent attending secondary school. See Satang Jow, *Education Management Project*, Secretary of Station for Education, [online] [cited June 27, 2003]; available from http://www.edugambia.gm/Mission_Statement_And_Policy/_/Policy_Documents_and_Reports/EMP/body_emp.html.

¹⁷⁷⁰ UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*. UNICEF also has programs designed to eliminate the disadvantages in education that girls have faced in The Gambia. See *Girls' Education in The Gambia*, UNICEF, [online] [cited June 26, 2003]; available from www.unicef.org/programme/girlseducation/action/ed_profiles/Gambiafinal.PDF.

¹⁷⁷¹ The Department of State for Education cannot fund the entire program, but works with different partners to ensure financial support. U.S. Embassy- Banjul, *unclassified telegram no. 0642*, August, 2003.

¹⁷⁷² The U.S. Embassy in Banjul contributes funds to this project through the Education for Development and Democracy Initiative Ambassador's Girls Scholarship Fund. Ibid.

¹⁷⁷³ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

¹⁷⁷⁴ 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 Gambia in collaboration with UNICEF, *The Gambia Multiple Indicator Cluster Survey Report*, New York, 2000, 40, 88; available from <http://www.childinfo.org/MICS2/newreports/gambia/MICS2%20Report%20gambia.pdf>. In 2001, the ILO estimated that 33 percent of children ages 10 to 14 are in the labor force. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁷⁷⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: The Gambia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18205.htm>.

are carpentry, sewing, masonry, plumbing, tailoring, and mechanics.¹⁷⁷⁶ The number of street children is increasing, and they are vulnerable to exploitation.¹⁷⁷⁷ Some children work in commercial sexual exploitation.¹⁷⁷⁸ Sex tourism is a problem in the Gambia and involves both boys and girls.¹⁷⁷⁹ Many girls in rural areas leave school to work, and some migrate to urban areas seeking domestic or other employment.¹⁷⁸⁰

The Constitution mandates free and compulsory primary education for 9 years, but a lack of resources and educational infrastructure has made implementation difficult.¹⁷⁸¹ In 2000, the gross primary enrollment rate was 82.3 percent and the net primary enrollment rate was 68.7 percent.¹⁷⁸² Enrollment of girls is low in rural areas where cultural factors and poverty dissuade parents from sending girls to school.¹⁷⁸³ 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.¹⁷⁸⁴ In 1998, 69.2 percent of children enrolled in primary school reached grade 5.¹⁷⁸⁵ Approximately 20 percent of school-age children attend Koranic schools, which usually have a restricted curriculum.¹⁷⁸⁶

Child Labor Laws and Enforcement

The Gambia's statutory minimum age for employment is 14 years.¹⁷⁸⁷ 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.¹⁷⁸⁸ There is no formal mechanism that specifically ensures compliance with child labor standards.¹⁷⁸⁹ Employee labor cards list employee ages with the Labor Commissioner, but enforcement inspections rarely take place.¹⁷⁹⁰ The Criminal Code prohibits procuring a girl under 21 years of age for the purposes of prostitution, either in the Gambia or

¹⁷⁷⁶ U.S. Embassy- Banjul, *unclassified telegram no. 1032*, October 15, 2002.

¹⁷⁷⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties, Concluding Observations: Gambia*, UNICEF, June 11, 2001; available from <http://wwwserver.law.wits.ac.za/humanrts/crc/gambia2001.html>.

¹⁷⁷⁸ UNICEF, *Country Profile: UNICEF in The Gambia, Programme Cycle: 1999-2003*, [previously online]; available from <http://www.ungambia.gm/unicef/profile.html> [hard copy on file]. See also U.S. Department of State, *Country Reports- 2002: The Gambia*, Section 6f.

¹⁷⁷⁹ U.S. Department of State, *Trafficking in Persons Report 2003*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also ECPAT International, *Gambia*, in ECPAT International, [database online] [cited June 26, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also The Protection Project, "The Gambia," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from <http://209.190.246.239/ver2/cr/Gambia.pdf>.

¹⁷⁸⁰ UNICEF, *Country Profile*.

¹⁷⁸¹ According to different sources, education in The Gambia either begins at age 7 or age 8 and is compulsory through the age of 15. See *The EFA 2000 Country Assessment: Country Reports The Gambia*, UNESCO, 2000; available from http://www2.unesco.org/wef/countryreports/gambia/rapport_1.html. See also U.S. Embassy- Banjul, electronic communication to USDOL official, February 19, 2004. See also U.S. Department of State, *Country Reports- 2002: The Gambia*, Section 5. See also UNICEF and Government of the Gambia, *Programme of Cooperation 1999-2003*.

¹⁷⁸² The gross primary enrollment rate increased from 63.9 percent in 1990 to 81.4 percent in 1998. *World Bank, World Development Indicators 2003*.

¹⁷⁸³ U.S. Department of State, *Country Reports- 2002: The Gambia*, Section 5.

¹⁷⁸⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁷⁸⁵ World Bank, *World Development Indicators 2003*.

¹⁷⁸⁶ UNICEF, *Country Profile*.

¹⁷⁸⁷ U.S. Embassy- Banjul, *unclassified telegram no. 1032*.

¹⁷⁸⁸ *Ibid.*

¹⁷⁸⁹ *Ibid.*

¹⁷⁹⁰ U.S. Department of State, *Country Reports- 2002: The Gambia*, Section 6d.

outside of the country.¹⁷⁹¹ Reports indicate that the police deported five foreigners in 2001 for trafficking young girls into the Gambia and employing them as commercial sex workers.¹⁷⁹²

The Government of the Gambia ratified ILO Convention 138 on September 4, 2000 and ILO Convention 182 on July 3, 2001.¹⁷⁹³

¹⁷⁹¹ Government of The Gambia, *Criminal Code*, as cited in The Protection Project Legal Library, [database online] 1964; available from <http://209.190.246.239/protectionproject/statutesPDF/GambiaFpdf>.

¹⁷⁹² U.S. Department of State, *Trafficking in Persons Report 2003*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

¹⁷⁹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Georgia is an associated country of ILO-IPEC.¹⁷⁹⁴ 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.¹⁷⁹⁵ The UNDP is also working to strengthen the capacity of the State Department of Statistics so that it can collect reliable statistical data that can support the development of effective interventions to address child labor.¹⁷⁹⁶ In 2003, the President of Georgia issued a National Action Plan that envisions a number of activities aimed at preventing trafficking. The Ombudsperson's Office has also created a working group on trafficking in persons that involves NGOs.¹⁷⁹⁷

As part of Georgia's State Program of Reforms, the Ministry of Education is working to improve the country's educational institutions during the transition to a market economy, including support for teacher training, and development of new curricula.¹⁷⁹⁸ In support of these objectives, the World Bank is funding a 12-year, USD 25.9 million program that will develop a national curriculum for primary and secondary education, train teachers and principals, and provide basic learning materials.¹⁷⁹⁹ UNICEF is assisting the Government of Georgia to address children's rights issues through a national plan of action for children based on the UN Convention on the Rights of the Child. UNICEF is also supporting the use of child-oriented teaching and learning, life skills education, and inclusive education practices.¹⁸⁰⁰

Incidence and Nature of Child Labor

In 1999, UNICEF estimated that 30 percent of children ages 5 to 14 years in Georgia were working.¹⁸⁰¹ There are reports of significant numbers of children, some as young as 5 years old, engaged in begging or working on the streets. Children as young as 9 years old are found working in markets, sometimes at night, and involved in carrying or loading wares. Children also work in cafes, bistros, gas stations, and for street photographers.¹⁸⁰²

¹⁷⁹⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 3, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁷⁹⁵ ILO-IPEC official, electronic communication to USDOL official, August 23, 2003. See also ILO-IPEC official, electronic communication to USDOL official, March 6, 2002.

¹⁷⁹⁶ UNDP, *Child Labor Survey Module in Georgia*, project summary, 1999; available from <http://www.undp.org.ge/Projects/childlabor.html>.

¹⁷⁹⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Georgia*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

¹⁷⁹⁸ 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>.

¹⁷⁹⁹ World Bank, *Georgia: Education System Realignment and Strengthening Program*, 2001 [cited August 7, 2003]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20027079~menuPK:34470~pagePK:40651~piPK:40653~theSitePK:4607,00.html>. See also World Bank, *Project Appraisal Document on the First Phase of the Proposed Adaptable Program Credit in the Amount of SDR 19.9 Million (US \$25.9 Million Equivalent) to Georgia for an Education System Realignment and Strengthening Program*, World Bank, Washington, February 22, 2001.

¹⁸⁰⁰ UNICEF, *UNICEF in Action: Georgia*, 2003 [cited July 18, 2003]; available from <http://www.unicef.org/infobycountry/georgia.html>.

¹⁸⁰¹ 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 Georgia, *Multiple Indicator Cluster Survey 2 (MICS2): Georgia*, UNICEF, 1999; available from <http://www.ucw-project.org/>. See also State Department of Statistics - National Center for Disease Control, *Multiple Indicator Cluster Survey (MICS) 1999: Republic of Georgia*, UNICEF, Tbilisi, 2000; available from <http://www.childinfo.org/MICS2/newreports/georgia/georgia.pdf>.

¹⁸⁰² According to government estimates, there were more than 2,000 street children in the capital city, Tbilisi, in 1998. See 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; available from <http://www.assistancegeorgia.org.ge/common/reports/crc/altngocrce.pdf>. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Georgia*, June 28, 2000, para 60-62.

Incidents of the commercial sexual exploitation of children, particularly for prostitution and pornography, are reported to be increasing, especially among girls.¹⁸⁰³

Primary education is mandatory and free¹⁸⁰⁴ from the age of 6 or 7 until 16 years.¹⁸⁰⁵ According to Georgia's Constitution, secondary education is also free at state institutions within the framework and rules established by the country's laws.¹⁸⁰⁶ In 2000, the net attendance rate for children ages 6 to 15 in Georgia was 96 percent.¹⁸⁰⁷ Although the Constitution mandates that primary education is free,¹⁸⁰⁸ many parents have difficulty affording the costs of related expenses such as books and school supplies. Moreover, many parents are forced to pay some form of tuition or teacher's salaries, all of which prevent some children from attending school.¹⁸⁰⁹

Child Labor Laws and Enforcement

The minimum age for employment in Georgia is 16 years. However, children who are 15 years old, may work in jobs that are not dangerous to their health or development, in some jobs in the performing arts, or with special permission from the local trade union.¹⁸¹⁰ In general, children under 18 years of age may not be hired for unhealthy or underground work, and children ages 16 to 18 years have reduced working hours.¹⁸¹¹

The Criminal Code includes penalties for encouraging minors to engage in prostitution and prohibits sexual abuse of a person under 16.¹⁸¹² The Criminal Code also provides for penalties for trafficking of minors, particularly for the purpose of prostitution.¹⁸¹³ Prostitution of children and involving children in pornography are offenses punishable by a prison sentence of up to 3 years.¹⁸¹⁴ Within the Ministry of Internal Affairs, a division is charged with handling crimes against minors, including sexual exploitation of children.¹⁸¹⁵

The Government of Georgia ratified ILO Convention 138 on September 23, 1996, and ratified ILO Convention 182 on July 24, 2002.¹⁸¹⁶

¹⁸⁰³ UN Committee on the Rights of the Child, *Concluding Reports — Georgia*, para 66.

¹⁸⁰⁴ *Constitution of Georgia*, Article 35, [cited November 5, 2002]; available from http://www.parliament.ge/LEGAL_ACTS/CONSTITUTION/consen.html.

¹⁸⁰⁵ 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.

¹⁸⁰⁶ *Constitution of Georgia*, Article 35, [cited November 5, 2002].

¹⁸⁰⁷ Government of Georgia, *MICS2: Georgia*.

¹⁸⁰⁸ *Constitution of Georgia*, Article 35.

¹⁸⁰⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Georgia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18366.htm>.

¹⁸¹⁰ UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Georgia*, paras. 13, 219-20.

¹⁸¹¹ *Ibid.*, para. 220.

¹⁸¹² UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001, Addendum: Georgia*, paras. 286-87.

¹⁸¹³ *Ibid.*, para. 287.

¹⁸¹⁴ U.S. Department of State, *Country Reports- 2002: Georgia*, Section 5.

¹⁸¹⁵ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 2001, Addendum: Georgia*, para. 289.

¹⁸¹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 20, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Ghana has been a member of ILO-IPEC since 2000.¹⁸¹⁷ To oversee Ghana's participation in IPEC, the government created a National Steering Committee to address child labor in 2000.¹⁸¹⁸ 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.¹⁸¹⁹ The committee's work resulted in the publication of the "National Plan of Action for the Elimination of Child Labor in Ghana 2001-2002."¹⁸²⁰ USDOL has funded several projects that were implemented by ILO-IPEC, including a national project to eliminate child labor in 1999,¹⁸²¹ and a national child labor survey in 1999-2000, which was conducted by the Ghana Statistical Service with technical assistance from IPEC's SIMPOC.¹⁸²² The Government of Ghana is also one of nine countries participating in a ILO-IPEC regional project in West and Central Africa to prevent trafficking in children and rehabilitate trafficking victims.¹⁸²³ It is also participating in an ILO-IPEC regional project to combat child labor in commercial agriculture, especially cocoa, and in an ILO-IPEC regional project to build capacity of governmental and nongovernmental organizations to combat child labor.¹⁸²⁴ With funding from the World Bank, the government is setting up projects to raise awareness on child labor, withdraw children from work,¹⁸²⁵ and assist street children.¹⁸²⁶ The Government of Ghana established a National Commission to Combat Trafficking in March 2002,¹⁸²⁷ and the latest national budget includes provisions for a police-led program to combat child trafficking.¹⁸²⁸

The Government of Ghana partnered with the IOM in a project to return and reintegrate children trafficked to the fishing sector in Yeji.¹⁸²⁹ USAID is also supporting projects in Ghana to improve the working conditions of children working in the cocoa industry, as well as raise public awareness about the dangers of hazardous work for children.¹⁸³⁰

¹⁸¹⁷ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 23, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁸¹⁸ U.S. Embassy- Accra, *unclassified telegram no. 2657*, October 2002.

¹⁸¹⁹ Ibid.

¹⁸²⁰ Ibid.

¹⁸²¹ ILO-IPEC, *National Programme for the Elimination of Child Labor*, Technical Progress Report, March 31, 2003.

¹⁸²² ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC)*, project document.

¹⁸²³ 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, *SIMPOC*, project document, 3.

¹⁸²⁴ 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. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, RAF/02/P51/USA, Geneva, September 2002.

¹⁸²⁵ ILO-IPEC, *IPEC National Programme, Ghana*, 4.

¹⁸²⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Ghana*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

¹⁸²⁷ U.S. Department of State, *Country Report on Human Rights Practices- 2002: Ghana*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18206.htm>. Legislation to convict traffickers with specific penalties has been drafted, but not yet submitted to Parliament. See U.S. Embassy- Accra, *unclassified telegram no. 2657*. See also ILO-IPEC, *IPEC National Programme, Ghana*.

¹⁸²⁸ ILO-IPEC, *IPEC National Programme, Ghana*, 2.

¹⁸²⁹ IOM, *Assisted Voluntary Return and Reintegration of Ghanaian Children Victims of Trafficking for Labour Exploitation in Yeji Fishing Communities (LEYE)*, [online] [cited June 20, 2003]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=GH1Z005>.

¹⁸³⁰ The Basic Education and Policy Support (BEPS) Activity, *Combining Sustainable Agricultural Development and Basic Education to Combat Child Labor and Trafficking*, Creative Associates International, [online] [cited June 20, 2003]; available from http://www.beps.net/child_labor/labor_ghana2.htm. See also Basic Education and Policy Support Activity, *Conducting a Planning Analysis to Develop Intervention Strategies for Abusive Child Labor in Ghana*, Creative Associates International, [online] [cited June 20, 2003]; available from http://www.beps.net/child_labor/labor_ghana4.htm.

In 1997, the government initiated a program to improve basic education, which will run through 2005.¹⁸³¹ In 2002, the Government of Ghana expended approximately 5 percent of GNP on education, with roughly 64 percent of that amount put toward basic education.¹⁸³² UNICEF works with the government to improve the Ministry of Education's capacity, as well as provide incentives for girls to complete their schooling.¹⁸³³ In June 2002, the Government of Ghana became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.¹⁸³⁴

Incidence and Nature of Child Labor

In 2001, the Ghana Statistical Service estimated that approximately 27.7 percent of children ages 5 to 14 years in Ghana were working.¹⁸³⁵ Rural-urban migration, caused by economic hardship, has led to significant increases in the school dropout rate and the numbers of working children.¹⁸³⁶ The majority of working children are unpaid workers on family farms and in family enterprises.¹⁸³⁷ Street children in urban centers work as cleaners, waste disposal workers, vendors, beggars, and shoe shiners.¹⁸³⁸ Children as young as 7 years old work as porters, domestic servants, hawkers, farmers, miners, quarry workers, and fare collectors.¹⁸³⁹ Girl children migrate from rural areas to urban centers to serve as kayayeis, porters who trade goods carried on head loads.¹⁸⁴⁰ The fishing industry in Lake Volta has a high number of child laborers who work casting and drawing nets in deep waters.¹⁸⁴¹

¹⁸³¹ 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 June 23, 2003]; available from <http://www.adeanet.org/newsletter/Vol9No3/ghana-eng.html>. See also *Mission Statement*, Ministry of Education, youth and Sports, [online] [cited June 20, 2003]; available from <http://www.ghana.gov.gh/government/ministries/social/education/php>.

¹⁸³² U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁸³³ *Girls' Education in Ghana*, UNICEF, [online] [cited June 20, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Ghanafinal.PDF

¹⁸³⁴ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

¹⁸³⁵ The survey found that 16.7 percent of children ages 5 to 9 and 38.7 percent of children ages 10 to 14 were engaged in economic activity at the time of the survey. See Ghana Statistical Service, *Ghana Child Labor Survey*, March, 2003, xiii.

¹⁸³⁶ U.S. Department of State, *Country Reports- 2002: Ghana*.

¹⁸³⁷ Sudharshan Canagarajah and Harold Coulombe, "Child Labor and Schooling in Ghana," in *Child Labor and Schooling in Africa: A Case Study of Ghana, Tanzania, Côte d'Ivoire and Zambia*, ed. Sudharshan Canagarajah and Helena Skyt Nielsen Washington, D.C.: World Bank, 1998, 37; available from [http://wbln0018.worldbank.org/HDNet/HDdocs.nsf/globalView/chapter%203.pdf/\\$File/chapter%203.pdf](http://wbln0018.worldbank.org/HDNet/HDdocs.nsf/globalView/chapter%203.pdf/$File/chapter%203.pdf).

¹⁸³⁸ ILO, *Child Labour Surveys: Results of Methodological Experiments in Four Countries, 1992-93*, Geneva, 1996, 16; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/stats/child/surveys.pdf>.

¹⁸³⁹ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6d. See also U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁸⁴⁰ Seema Agarwal et al., *Bearing the Weight*, Centre for Social Policy Studies, University of Ghana, Legon, May 1997, 1-3. UNICEF administers *Operation End Kayaye* in Ghana. The goal of the project is to remove 2000 kayaye girls from cities and return them to their villages, where they will participate in skills training.

¹⁸⁴¹ U.S. Embassy- Accra, *unclassified telegram no. 2657*. See also *Progress in freeing Ghanaian slave boys*, *afrol News*, [online] 2003 [cited December 17, 2003]; available from http://www.afrol.com/News2003/gha008_labour.htm.

The Government of Ghana has outlawed the practice of trokosi, and reports indicate that the number of girls sent by their families to serve in religious shrines has significantly decreased.¹⁸⁴² Trokosi has its origins in indigenous religion in the southern part of the Volta region. The custom involves the pledging of young girls for training and service to priests by their families who either seek atonement for sins committed by family members, or who fear retribution if they fail to surrender a daughter to priestly service.¹⁸⁴³ Young girls typically perform domestic work for the priest for a period ranging from three months, or, in some cases, for three years. In the vast majority of cases, after the service is completed, the girls return to their families with no particular stigma attached to their prior service. While instances of sexual or physical abuse have occurred, there is no evidence of sexual or physical abuse as an engrained or systematic part of the practice.¹⁸⁴⁴

Ghana is also a source, transit, and destination country for trafficked children.¹⁸⁴⁵ 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.¹⁸⁴⁶ Children are also trafficked to neighboring countries to work as laborers, domestics or on farms.¹⁸⁴⁷

Education is compulsory for children of primary and junior secondary age, which is the equivalent of grades one to nine.¹⁸⁴⁸ The authorities do not enforce school attendance, however, and parents rarely face penalties if their children do not attend school.¹⁸⁴⁹ Education can also be costly for poor families who must pay school fees each term, as well as buy textbooks and uniforms.¹⁸⁵⁰ In 2000, the gross primary enrollment rate was 80.2 percent, and the net primary enrollment rate was 58.3 percent.¹⁸⁵¹ Primary school attendance rates are unavailable for Ghana. In 1999, 66 percent of children enrolled in primary school reached grade 5.¹⁸⁵² While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁸⁵³

¹⁸⁴² 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. See U.S. Department of State, *Country Reports- 2002: Ghana*, Section 5. See also Rachel Levine, *Free the Trokosi!*, Fresh Angles, [previously online] [cited August 26, 2002]; available from <http://www.freshangles.com/realtime/international/articles/20.html> [hard copy on file].

¹⁸⁴³ Electronic communication from Labor Officer to USDOL official, February 23, 2004.

¹⁸⁴⁴ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 5. See also Electronic communication from Labor Officer to USDOL official, February 23, 2004. See also Obenewa Amponsah, *The Trokosi: Religious Slavery in Ghana*, [online] [cited November 3, 2003]; available from <http://www.anti-slavery.org/global/ghana/>. See also Levine, *Free the Trokosi*. See also Nirit Ben-Ari, *Liberating girls from Trokosi*, United Nations, Africa Recovery Online, [online] December 2001 [cited November 3, 2003]; available from <http://www.un.org/ecosocdev/geninfo/afrec/vol15no4/154troko.htm>.

¹⁸⁴⁵ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Ghana*.

¹⁸⁴⁶ U.S. Embassy- Accra, *unclassified telegram no. 2657*. See also U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6f.

¹⁸⁴⁷ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6f.

¹⁸⁴⁸ *Ibid.*, Section 5. See also *Education Act, 1961*.

¹⁸⁴⁹ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 5. See also U.S. Embassy- Accra, *unclassified telegram no. 2657*.

¹⁸⁵⁰ U.S. Department of State, *Country Reports- 2002: Ghana*, Section 5.

¹⁸⁵¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁸⁵² *Ibid.*

¹⁸⁵³ 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 Children's Act sets the minimum age for general employment at 15 years, and sets 13 years as the minimum age for light work.¹⁸⁵⁴ The Children's Act prohibits children under 18 from engaging in hazardous labor, including work in mines, quarries, manufacturing that involves chemicals, with machinery, at sea, in bars, or in any job that involves carrying heavy loads.¹⁸⁵⁵ The legislation allows children aged 15 years and above to work in an apprenticeship if the employer provides a safe and healthy work environment, and training.¹⁸⁵⁶ Employers who operate in the formal sector must keep a register with the ages of the young people they employ, and failing to keep this register can result in a fine of 10 million cedis (USD 1,214.61) or 2 years in jail.¹⁸⁵⁷

The Ministry of Manpower Development and Employment has more than 100 labor inspectors responsible for monitoring employers' labor practices, but the inspectors do not monitor the informal sector and do not specifically investigate child labor.¹⁸⁵⁸ Law enforcement authorities, including judges, labor officers and police officers, lack adequate resources or training.¹⁸⁵⁹

The Government of Ghana has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 13, 2000.¹⁸⁶⁰

¹⁸⁵⁴ 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 *The Children's Act, Act 560, 1998*, Section 90; available from <http://natlex.ilo.org/txt/E98GHA01.htm>.

¹⁸⁵⁵ Ibid., Section 91.

¹⁸⁵⁶ Ibid., Articles 98 and 100.

¹⁸⁵⁷ U.S. Embassy- Accra, *unclassified telegram no. 2657*. For currency conversion, see FXConverter, in Oanda.com, [online] [cited June 25, 2003]; available from <http://www.oanda.com/convert/classic>.

¹⁸⁵⁸ There are no recorded cases of prosecutions as a result of these inspections. See U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6d.

¹⁸⁵⁹ U.S. Embassy- Accra, *unclassified telegram no. 2657*. See also U.S. Department of State, *Country Reports- 2002: Ghana*, Section 6d.

¹⁸⁶⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 25, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 that helps parents assist their children with their school work and literacy skills.¹⁸⁶¹ The Education Act of 2002 imposes a 2,000 East Caribbean Dollar (USD 749) fine on any person who employs a child of school age during school hours.¹⁸⁶² 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. The Plan includes providing universal access to education; improving the quality of education; providing learners with relevant knowledge, attitudes and skills; establishing and strengthening relationships with partners in education; improving the effectiveness of management and administration of education at Ministry and school levels; and ensuring consistent Government financing of education, diversifying the funding sources and making certain that resources are used efficiently.¹⁸⁶³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Grenada are unavailable. It has been reported that some children work informally in the agricultural sector.¹⁸⁶⁴

Education is compulsory in Grenada until the age of 16.¹⁸⁶⁵ In 2000, the gross primary enrollment rate was 94.6 percent, and the net primary enrollment rate was 84.2 percent.¹⁸⁶⁶ Primary school attendance rates are unavailable for Grenada. While enrollment rates indicate a level of commitment to education, they do not always reflect children’s participation in school.¹⁸⁶⁷ Despite high enrollment rates, factors such as poverty, poor school facilities, and the periodic need to help with family farm harvests have resulted in a 7 percent absenteeism rate among primary school children.¹⁸⁶⁸

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.¹⁸⁶⁹ A person convicted of violating the Act can be subject to a fine of up to USD 10,000, up to 3 years imprisonment, or both.¹⁸⁷⁰ The Constitution prohibits

¹⁸⁶¹ Government of Canada, *Canadian Cooperation in the Caribbean 2000 Edition: Grenada*, CIDA.gc.com, [online] [cited August 28, 2003]; available from http://www.acdi-cida.gc.ca/cida_ind.nsf/vLUallDocByIDEn/5011F959B4C47FD38525697600474051?OpenDocument.

¹⁸⁶² Ministry of Labor official Reginald Lord, facsimile communication to USDOL official, August 22, 2002. For currency conversion see FXConverter, in Oanda.com, [online] [cited August 28, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

¹⁸⁶³ Government of Grenada, *Strategic Plan for Educational Enhancement 2002-2010*, Ministry of Education, January 2002, 21–40.

¹⁸⁶⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Grenada*, Washington, D.C., March 31, 2003, Section 5 [cited August 28, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/index.htm>.

¹⁸⁶⁵ Ibid.

¹⁸⁶⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁸⁶⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁸⁶⁸ U.S. Embassy– Bridgetown, *unclassified telegram no. 1126*, June 23, 2000.

¹⁸⁶⁹ *Employment of Women, Young Persons and Children Act, 1999*, Part III, Article 32. as cited in Adrian Hayes, facsimile communication to USDOL official, May 12, 2001.

¹⁸⁷⁰ *Employment of Women, Young Persons and Children Act, 1999*, Article 35

forced labor and slavery.¹⁸⁷¹ No laws specifically address trafficking in persons, and there were no reports that children were trafficked to, from, within, or through the country.¹⁸⁷² The Ministry of Labor enforces child labor laws in the formal sector through periodic checks; however, enforcement in the informal sector is not stringent.¹⁸⁷³

The Government of Grenada ratified ILO Convention 138 and ILO Convention 182 on May 14, 2003.¹⁸⁷⁴

¹⁸⁷¹ *Grenada Constitution Order 1973*, No. 2155, (February 7, 1974), Chapter 1, Section 4(1-2) [cited September 15, 2003]; available from <http://www.georgetown.edu/pdba/Constitutions/Grenada/gren73eng.html>.

¹⁸⁷² U.S. Department of State, *Country Reports- 2002: Grenada*, Section 6f.

¹⁸⁷³ *Ibid.*, Section 6d.

¹⁸⁷⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 14, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Guatemala has been a member of ILO-IPEC since 1996.¹⁸⁷⁵ In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁸⁷⁶ In 2002, President Portillo announced the creation of the National Commission for the Elimination of Child Labor to coordinate ministries involved in the implementation of the National Plan.¹⁸⁷⁷ The government has included in its 2000–2004 agenda for social programs the goal of decreasing the number of child workers by 10 percent.¹⁸⁷⁸ The Secretariat of Social Welfare has also published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.¹⁸⁷⁹

The Government of Guatemala has collaborated with ILO-IPEC on nine projects aimed at eliminating child labor in various sectors and geographical areas.¹⁸⁸⁰ ILO-IPEC has also assisted the government to include child labor in curriculum review and teaching exercises at the national level, as well as in proposed reforms to the Labor Code.¹⁸⁸¹ Guatemala is currently participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation of children.¹⁸⁸² The government is also collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks,¹⁸⁸³ stone quarrying,¹⁸⁸⁴ coffee,¹⁸⁸⁵ and broccoli sectors,¹⁸⁸⁶ and has completed work with ILO-IPEC's SIMPOC to collect data on child labor.¹⁸⁸⁷ In addition, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and

¹⁸⁷⁵ ILO-IPEC, *All About IPEC*, August 13, 2001 [cited September 11, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹⁸⁷⁶ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora*, Guatemala, 2001.

¹⁸⁷⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Guatemala*, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18333.htm>.

¹⁸⁷⁸ ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector in Guatemala (phase 1)*, status report, GUA/00/P50/USA, ILO-IPEC, Geneva, February 26, 2003, 2.

¹⁸⁷⁹ 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.

¹⁸⁸⁰ ILO-IPEC, *IPEC en la región: Guatemala*, [cited January 29, 2004]; available from <http://www.ipec.oit.or.cr/ipec/region/paises/guatemala.shtml#PA>.

¹⁸⁸¹ UN Economic and Social Council, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 5.

¹⁸⁸² This project focuses primarily on awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, 2003.

¹⁸⁸³ This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See 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.

¹⁸⁸⁴ This project is in its second phase and focuses on withdrawing children from work in stone quarries in the Samala River Basin, Retalhuleu. See 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.

¹⁸⁸⁵ The project intends to reduce child labor in the rural sector of the Department of San Marcos. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala (Phase 1)*, technical progress report, GUA/99/05/P050, Geneva, 2003.

¹⁸⁸⁶ The project aims to withdraw 1000 children from the broccoli fields in Chilasco. See ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

¹⁸⁸⁷ See 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.

providing direct attention to children involved in domestic work in the homes of third parties.¹⁸⁸⁸ Studies of working children in the Chiantla municipality, Huehuetenango¹⁸⁸⁹ and in Guatemala City¹⁸⁹⁰ have been carried out. 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 child labor action programs.¹⁸⁹¹

In the Peace Accords signed in December 1996 and in its Poverty Reduction Strategy, the Government of Guatemala has committed to supporting education.¹⁸⁹² The Ministry of Education (MINEDUC) addresses child labor by providing scholarships to children in need, administering extracurricular programs,¹⁸⁹³ and implementing school feeding programs in rural areas.¹⁸⁹⁴ The General Office for Out-of-School Education has approved two proposals for alternative educational programs for working children and youth.¹⁸⁹⁵ The MINEDUC's National Self-Management Program for Educational Development (PRONADE) provides legally organized communities, particularly in rural, indigenous and hard to reach areas, with funding to increase access to and improve the quality of primary education.¹⁸⁹⁶ MINEDUC has also implemented a bilingual education project since the 1980s,¹⁸⁹⁷ and

¹⁸⁸⁸ Asociación Guatemalteca Pro-Naciones Unidas (AGNU), *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*, ILO-IPEC, Guatemala City, 2002, 10-12.

¹⁸⁸⁹ This study was conducted in 2000-2001. See 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.

¹⁸⁹⁰ This study was completed in May 2002 by ILO-IPEC's Rapid Assessment investigating child labor in garbage dumps. See Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

¹⁸⁹¹ UN Economic and Social Council, *Contemporary Forms of Slavery*, 6.

¹⁸⁹² ILO, UNICEF, and World Bank, *Understanding Children's Work in Guatemala*, Understanding Children's Work Project, March, 2003, 37.

¹⁸⁹³ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 19. See also U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000, Article 74. 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, interview with USDOL official, August 16, 2000.

¹⁸⁹⁴ MINEDUC, through the General Office for Co-Ordination of Support Program, administers three feeding programs: school breakfasts, school snacks and a pilot project for school lunches. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on Compliance with Children and Youth Rights in Guatemala*, CIPRODENI, Guatemala, September 2000, 19. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

¹⁸⁹⁵ The Education Program for Working Children and Adolescents assists children working in markets, parks, and streets in both rural and urban areas and a program implemented by Grupo Ceiba assists working children and adolescents over 15 years. See CIPRODENI, *Analysis on Progress and Limitations*, 28.

¹⁸⁹⁶ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 41.

¹⁸⁹⁷ The Intercultural Bilingual Program, established in 1984, became the General Directorate of Intercultural Bilingual Education (DIGEBI) in 1995, giving it stronger administrative status and authority in the Ministry's budget structure. As of 2000, DIGEBI was assisting 1,476 schools in 14 linguistic communities. See CIPRODENI, *Analysis on Progress and Limitations*, 9-10.

has tried to reduce the indirect costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.¹⁸⁹⁸ USAID,¹⁸⁹⁹ the World Bank,¹⁹⁰⁰ CARE,¹⁹⁰¹ UNICEF,¹⁹⁰² and Plan International¹⁹⁰³ also support primary education in Guatemala. With support from USAID, WorldShare also provides assistance for basic education.¹⁹⁰⁴

Incidence and Nature of Child Labor

In 2000, a national living conditions survey reported that 23 percent of children ages 5 to 17 years in Guatemala were working.¹⁹⁰⁵ A 2001 government report found that three 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.¹⁹⁰⁶ On average, child laborers work 47 hours per week.¹⁹⁰⁷ Children work on family farms¹⁹⁰⁸ and help harvest commercial crops such as coffee¹⁹⁰⁹ and broccoli.¹⁹¹⁰ Children are also employed in the fireworks¹⁹¹¹

¹⁸⁹⁸ Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory. Beginning January 20, teachers held a 50-day strike protesting the lack of progress in the reform process and inadequate funding, effectively delaying the start of the school year by nearly two months. See Resource Center for the Americas, "Teachers' Strike," 2003; available from http://www.americas.org/news/nir/20030402_teachers_strike.asp.

¹⁸⁹⁹ USAID works with the government to improve education access and services to rural children. See USAID, *Guatemala - Overview*, [online] 2003 [cited June 27 2003]; available from http://www.usaid.gov/policy/budget/cbj2004/latin_america_caribbean/guatemala.pdf. See also World Learning, *Projects in International Development and Training: Access to Intercultural Bilingual Education*, World Learning, [online] May 2, 2003 [cited June 27, 2003]; available from <http://www.worldlearning.org/pidt/aibe.html>.

¹⁹⁰⁰ 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, *Guatemala-Universalization of Basic Education Project*, World Bank, Washington, D.C., May 2001. The World Bank will continue its lending trends in education programs as part of its efforts to ensure that the potential Central America Free Trade Agreement (CAFTA) with the U.S. succeeds in its goals to reduce poverty. See The World Bank Group, *World Bank Supports Central America To Realize CAFTA's Potential To Reduce Poverty*, World Bank, Washington, D.C., 2003; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20085170~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html#>.

¹⁹⁰¹ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Guatemala*, UN, July 26, 2002, 17 (g).

¹⁹⁰² U.S. Fund for UNICEF, [online] 1999 [cited November 26, 2003]; available from <http://www.unicefusa.org/news/releases/090399.html>.

¹⁹⁰³ The Global Food for Education Pilot Program, *Report to Congress: Country Reports: Latin America*, Global Food for Education, February 2003; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/latinamerica.htm>.

¹⁹⁰⁴ Ibid.

¹⁹⁰⁵ The study, which was conducted by the National Institute of Statistics in Guatemala and entitled *Encuesta de Condiciones de Vida*, also found that 20 percent of children between the ages of 6 and 14 in Guatemala were working. See ILO, UNICEF, and World Bank, *Understanding Children's Work*, 6, 18.

¹⁹⁰⁶ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 5-6. According to the National Institute of Statistics, 62.8 percent of children between the ages of 7 and 14 work in agriculture. Other sectors employing large numbers of children in this age group include commerce (16 percent), manufacturing (10.7 percent), health and personal services (6.1 percent), and construction (3.1 percent). See ILO, UNICEF, and World Bank, *Understanding Children's Work*, 21.

¹⁹⁰⁷ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 23.

¹⁹⁰⁸ U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*, Guatemala City, August 19, 2003.

¹⁹⁰⁹ ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry, technical progress report*.

¹⁹¹⁰ U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

¹⁹¹¹ The Labor Ministry estimates that roughly 10 percent of children working in the fireworks industry are illegally employed in factories. Injuries are common among minors in fireworks production. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. A baseline survey conducted by ILO-IPEC in 2000 for a project on children working in the fireworks industry reported that 95.6 percent of the children interviewed worked in home factories. See ILO-IPEC, *Línea Basal de comunidades de San Juan Sacatepéquez y San Raymundo*, ILO, 2000.

and stone quarries sectors, in mines,¹⁹¹² as domestic servants,¹⁹¹³ garbage pickers,¹⁹¹⁴ shoeshine boys, beggars, street performers, construction workers, cattle ranchers, in family businesses, in fishing,¹⁹¹⁵ and reportedly in the trafficking and production of drugs.¹⁹¹⁶

Street children tend to be especially vulnerable to sexual exploitation and other forms of violence, constituting a serious problem in Guatemala.¹⁹¹⁷ In general, child prostitution is on the rise.¹⁹¹⁸ Guatemala is considered a source, transit and destination country for trafficked children. There is also evidence of internal trafficking.¹⁹¹⁹ Children from poor families in Guatemala tend to be drawn into trafficking for purposes of prostitution through advertisements for lucrative foreign jobs or through personal recruitment.¹⁹²⁰

Education is free and compulsory in Guatemala up to grade 6, or from ages 7 to 14.¹⁹²¹ In 2000, the gross primary enrollment rate was 102.2 percent and the net primary enrollment rate was 84.3 percent,¹⁹²² an increase from 35 percent in 1990.¹⁹²³ While enrollment rates indicate a level of commitment to education, they do not always

¹⁹¹² ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 6, 2003. See also Gema Palencia, "Novecientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas niños," *Prensa Libre*, April 30, 2003; available from http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_cnoticia=54991&p_fedicion=29-04-03.

¹⁹¹³ The ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes. Forty-five percent of the children interviewed were between the ages of 6 and 13. See 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. See also U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

¹⁹¹⁴ More than half of the children under 13 who were interviewed as part of ILO's rapid evaluation were not currently attending school. This percentage was higher for children between the ages of 14 to 18 years. The youngest children interviewed were between the ages and seven and nine. See Duque and Garcia, *Child Labour in Garbage Dumps*, v.

¹⁹¹⁵ U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. It has been reported that children also work as black market traders for U.S. dollars. See CIPRODENI, *Analysis on Progress and Limitations*, 27.

¹⁹¹⁶ 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.

¹⁹¹⁷ See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. Casa Alianza reports that most children living in the streets of Guatemala City are 7 to 14 years old. See Casa Alianza, *Niños y Niñas de la Calle en Ciudad de Guatemala*, [online] [cited November 26, 2003]; available from <http://www.casa-alianza.org/ES/about/offices/guatemala/children.phtml>.

¹⁹¹⁸ Child prostitution is especially common in the capital and other major cities as well as towns along the borders with El Salvador and Mexico. An NGO has noted an increase in sex tourism. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6f.

¹⁹¹⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Guatemala*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

¹⁹²⁰ U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6f. A report published by the Children's Defense Department of the Office of the Human Rights Ombudsman entitled "Ninez prostituida: objetos sexuales o sujetos sociales?" revealed 83 brothels in Tecun Uman employing girls as young as 13 and 16 years old. See Casa Alianza, "10th Anniversary United Nations Convention on the Rights of the Child," *Special Reports and Coverages*, February 16, 2000; available from <http://www.casa-alianza.org/EN/newstuff/crc/childlabor.shtml>.

¹⁹²¹ U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. See also UNESCO/International Association of Universities, *Guatemala- Education System*, [cited September 15, 2003]; available from <http://www.unesco.org/iau/cd-data/gt.rtf>. 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 August 26, 2003]; available from <http://www.right-to-education.org/content/unreports/unreport5prt1.html>.

¹⁹²² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

¹⁹²³ UN Convention on the Rights of the Child, *Statement by H.E. Mrs. Cristian Munduate, Minister Social Welfare Secretariat of the Presidency of Guatemala, Head of the Delegation of Guatemala*, Special Session of the General Assembly on Children, May 10, 2002 [cited August 5, 2003]; available from <http://www.un.org/ga/children/guatemalaE.htm>.

reflect children's participation in school.¹⁹²⁴ Primary school attendance rates are unavailable for Guatemala. The school desertion rate continues to be high. Only 3 of 10 students who begin primary school in Guatemala complete grade 6.¹⁹²⁵ Isolation of the rural population, lack of flexible, practical education, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave the Guatemalan education system.¹⁹²⁶ Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are girls in indigenous communities.¹⁹²⁷ Sixty-two percent of working children attend school as compared to 78 percent of non-working children. Working children tend to complete only 1.8 years of schooling, roughly half the average years completed by non-working children.¹⁹²⁸

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁹²⁹ In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to conditions of extreme poverty within the child's family, and enables the child to meet compulsory education requirements in some way.¹⁹³⁰ Children are prohibited from working at night, overtime, and in places that are unsafe and dangerous.¹⁹³¹ Children may not work in bars or in other establishments where alcoholic beverages are served.¹⁹³² The workday for minors under the age of 14 years is limited to 6 hours; minors ages 14 to 17 may work 7 hours.¹⁹³³ In July 2003, the Law for Integrated Protection of Children and Adolescents entered into force, which established a National Commission on Children and Adolescents and outlined child rights to protection from trafficking and economic and sexual exploitation.¹⁹³⁴

¹⁹²⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

¹⁹²⁵ The Center for National Economic Investigation report on the progress of education reform recognized the Ministry of Education's efforts to increase enrollment but noted that drop out rates had increased, the high rate of illiteracy among women was unchanged, the government continued to assign a relatively low percentage of resources to post-primary levels. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. On average, only one of eight girls who begin primary school completes sixth grade. See Duque and Garcia, *Child Labour in Garbage Dumps*, iv. See also MINUGUA, *Informe de Verificación. Situación de la Niñez y Adolescencia en el marco del proceso de paz de Guatemala*, MINUGUA, Guatemala City, Guatemala, 2002; available from http://www.asylumlaw.org/docs/guatemala/GUA_5/Sec%20IV/Situacion%20de%20la%20Ninez.pdf.

¹⁹²⁶ ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 27; available from http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt_2003.pdf.

¹⁹²⁷ According to the UN Verification Mission in Guatemala, Guatemalan children receive, on average, 2.2 years of education. Indigenous children receive an average of 1.3 years. Sixty-three percent of out of school youth are indigenous girls. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5.

¹⁹²⁸ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 29. Of working children, 50.4 percent only work while 49.6 percent attend school, and the majority of working children (53.5 percent) have not completed primary school. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 34.

¹⁹²⁹ *Código de Trabajo de la República de Guatemala, 1996*, Articles 21, 148.

¹⁹³⁰ Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001, 53, Article 150. In 2001, the Ministry of Labor granted 1,014 work permits to children under the age of 14. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

¹⁹³¹ Eighty percent of work accidents involve 15 to 18 year old workers who were not properly trained in safety procedures. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also *Código de Trabajo, 1996*, 148.

¹⁹³² U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also *Código de Trabajo, 1996*, 148.

¹⁹³³ U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

¹⁹³⁴ This law modifies an earlier version passed in 1999. The law does not provide for criminal sanctions. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*. See also *Ley de Protección Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Artículos 50 and 51.

Article 188 of the Penal Code prohibits child pornography and prostitution.¹⁹³⁵ 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.¹⁹³⁶ Trafficking is punishable by imprisonment of 1 to 3 years and a fine, again, with enhanced penalties if the victims are under 12 years.¹⁹³⁷ Although no laws specifically prohibit bonded labor by children, the Constitution prohibits forced or compulsory labor.¹⁹³⁸

The Child Workers Protection Unit within the Ministry of Labor holds responsibility for enforcing restrictions on child labor as well as educating children, parents, and employers on the rights of minors in the labor market.¹⁹³⁹ Due to the ineffectiveness of labor inspection and labor court systems, labor laws governing the employment of minors are not well enforced.¹⁹⁴⁰ Insufficient resources and corruption have left borders inadequately monitored. The Defense of Children's Rights unit in the Human Rights Ombudsman's Office and the Women's Section of the Attorney General's Office investigate trafficking cases.¹⁹⁴¹ Trafficking laws, however, are rarely enforced.¹⁹⁴²

The Government of Guatemala ratified ILO Convention 138 on April 23, 1990, and ratified ILO Convention 182 on October 11, 2001.¹⁹⁴³

¹⁹³⁵ U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Guatemala*, [database online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp>.

¹⁹³⁶ Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol Member States*.

¹⁹³⁷ Penalties for trafficking in Guatemala are considered to be the lightest in the region. Although minors are not specifically mentioned, the general language of the Code can be understood to apply to minors as well as adults. See also U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*. See also The Protection Project, "Guatemala," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Guatemala.pdf>.

¹⁹³⁸ U.S. Department of State, *Country Reports- 2002: Guatemala*, Sections 6c and d.

¹⁹³⁹ *Ibid.*, Section 6d.

¹⁹⁴⁰ *Ibid.*

¹⁹⁴¹ Few cases are prosecuted due to victims' reluctance to press charges. See *Ibid.*, Section 6f.

¹⁹⁴² However, authorities did succeed in intercepting a bus of 53 children from El Salvador en route to the United States. See *Ibid.*, Sections 6d and f. See also U.S. Department of State, *Trafficking in Persons Report: Guatemala*.

¹⁹⁴³ ILO, *Ratifications by Country*, in ILOLEX, [database online] 2003 [cited August 5, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Guinea is participating in an ILO-IPEC program funded by USDOL and the Cocoa Global Issues Group that seeks to withdraw children from hazardous work in the cocoa sector, provide income generation and economic alternatives, and promote education.¹⁹⁴⁴ In addition, the USAID-supported Sustainable Tree Crops Program is also working in Guinea to incorporate elements into its program to address child labor in the cocoa sector, and is coordinating with the USDOL-funded ILO-IPEC program.¹⁹⁴⁵

In 1997, the Government of Guinea held a workshop to raise awareness about child labor. With the help of the ILO and UNICEF, the government 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, and produced a synthesis document detailing the existing information.¹⁹⁴⁶ Since the border conflicts in 2000, the steering committee's regular meetings have come to a halt, and the government's budget priorities have shifted more heavily toward national defense.¹⁹⁴⁷ With the exception of a few government-supported awareness raising programs, such as the MSAPWC children's rights campaign with UNICEF, most current child labor initiatives are implemented by NGOs independent of government support.¹⁹⁴⁸ The government admittedly lacks the capacity to take progressive steps to combat child labor,¹⁹⁴⁹ which led to the 2002 request by the Ministry of Social Affairs for technical assistance from ILO-IPEC to address the problem.¹⁹⁵⁰

In 1990, the Government of Guinea initiated the Education Sector Adjustment Program (PASE) to improve the quality of the education system.¹⁹⁵¹ The reform program is on-going, and the government is continuing to commit funds for teacher training, school construction, and the provision of books and materials.¹⁹⁵² In June 2002, the Government of Guinea became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.¹⁹⁵³ In 2001, the World Bank began implementing a USD 70 million loan program to assist the government's education reform efforts.¹⁹⁵⁴ USAID is assisting the Ministry of Education and promoting access to

¹⁹⁴⁴ ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Program to Combat Hazardous and Exploitative Child Labor (WACAP)*, project document, RAF/02/P5 0/USA, Geneva, September 26, 2002.

¹⁹⁴⁵ Ibid.

¹⁹⁴⁶ The synthesis document was published in 1998. See UNICEF officials, Ibrahime Yansane, and Silvia Pasti, interview with USDOL official, August 13, 2002. See also Aliou Barry, *Travail des Enfants en Guinée: Synthèse des données disponibles et constats de terrain*, STAT-VIEW Association, Conakry, January 1998.

¹⁹⁴⁷ UNICEF officials, Ibrahime Yansane, and Silvia Pasti, interview, August 13, 2002.

¹⁹⁴⁸ Ministry of Social Affairs and Promotion of Women and Children officials, Bafode Keita, and Camara Sarang Seck, interview with USDOL official, August 13, 2002. See also UNICEF officials, Ibrahime Yansane, and Silvia Pasti, interview, August 13, 2002. See also U.S. Embassy-Conakry, *unclassified telegram no. 2368*, 2001.

¹⁹⁴⁹ Ministry of Social Affairs and Promotion of Women and Children officials, Bafode Keita, and Camara Sarang Seck, interview, August 13, 2002. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Guinea*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18207.htm>.

¹⁹⁵⁰ Minister of Social Affairs and Promotion of Women and Children Mme. Bruce Mariama Aribot, letter to the Geneva Director of ILO-IPEC, 2002.

¹⁹⁵¹ 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 June 13, 2003]; available from <http://www2.unesco.org/wef/countryreports/guinea/contents.html#cont>.

¹⁹⁵² U.S. Embassy-Conakry, *unclassified telegram no. 2368*. See also Mohamed Fofana, interview with USDOL official, August 12, 2002.

¹⁹⁵³ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

¹⁹⁵⁴ World Bank, *Education for All Projects*, [online] 2002 [cited June 13, 2003]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050046>.

quality basic education by focusing on teacher training, and community participation in education and girls' schooling.¹⁹⁵⁵ 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 and supplies.¹⁹⁵⁶ In addition, WFP is providing food aid in rural areas in order to increase enrollment and attendance, particularly among girls.¹⁹⁵⁷

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 30.5 percent of children ages 10 to 14 years in Guinea were working.¹⁹⁵⁸ Children begin working beside their parents at a young age, often at 5 years in rural areas.¹⁹⁵⁹ 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.¹⁹⁶⁰ Children also work in gold and diamond mines, granite and sand quarries, and as apprentices to mechanics, electricians, and plumbers, among others professions.¹⁹⁶¹ Children are also found working on the streets selling cheap goods for traders, carrying baggage, or shining shoes.¹⁹⁶²

Children are reported to work in the commercial sex industry.¹⁹⁶³ While there have been scattered reports of trafficking in children, there is no available information on the extent of the problem. As in 2000, in 2001, UNICEF reported incidents of trafficking among refugee populations in four prefectures in Guinea's forest region.¹⁹⁶⁴ Furthermore, internal trafficking occurs from rural to urban areas.¹⁹⁶⁵ Children may also have worked as volunteer soldiers during border attacks in recent years, but the reports cannot be fully corroborated.¹⁹⁶⁶

¹⁹⁵⁵ 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 USAID, *Education*, [cited June 18, 2003]; available from <http://www.usaid.gov/gn/education/background/index.htm>. See also Fofana, USAID interview, August 12, 2002.

¹⁹⁵⁶ UNICEF officials, Ibrahime Yansane, and Silvia Pasti, interview, August 13, 2002. This aid was provided to villages near the border with Liberia that experienced a high refugee influx, notably Lola, N'Zerekore, Dabola, and Yomou. See UNICEF, *Donor Update: Guinea, May 29, 2002*, [cited June 13, 2003]; available from <http://new.reliefweb.int/w/rwb.nsf/ByCountry/Guinea?OpenDocument&Start=1&Count=1000&ExpandView&StartKey=Guinea>.

¹⁹⁵⁷ U.S. Department of Agriculture, *Global Food For Education Pilot Program, Guinea: World Food Program*, 2003 [cited June 18, 2003]; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/counryrpts.htm>.

¹⁹⁵⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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 between ages 7 and 14 and 91 percent between ages 15 and 19 were working. In urban areas, the numbers were approximately 19 percent and 50 percent, respectively. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guinea*, Washington, D.C., March 4, 2002, Section 6d, [cited September 3, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8383.htm>.

¹⁹⁵⁹ UNICEF, *Situation Des Enfants et Des Femmes, Programme De Cooperation 2002-2006, Republique de Guinee*, Conakry, 2000, 35.

¹⁹⁶⁰ U.S. Embassy- Conakry, *unclassified telegram no. 1857*, 1998. See also UNICEF, *Situation Des Enfants et Des Femmes*, 83-84.

¹⁹⁶¹ UNICEF, *Situation Des Enfants et Des Femmes*, 84.

¹⁹⁶² 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.

¹⁹⁶³ U.S. Department of State, *Country Reports- 2002: Guinea*, Section 6f. See also UNICEF, *Situation Des Enfants et Des Femmes*, 84-85.

¹⁹⁶⁴ U.S. Department of State, *Country Reports- 2002: Guinea*, Section 6f. See also UNICEF, *Situation Des Enfants et Des Femmes*, 85. In July 2001, Guinean officials released 33 young Nigerian girls destined for Europe to the Nigerian Embassy.

¹⁹⁶⁵ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁹⁶⁶ 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 UNICEF officials, Ibrahime Yansane, and Silvia 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.

Public education is free¹⁹⁶⁷ and compulsory for 6 years, between the ages of 7 and 13 years.¹⁹⁶⁸ In 2001, the gross primary enrollment rate was 61.4 percent, and in 2000 the net primary enrollment rate was 47.0 percent.¹⁹⁶⁹ Enrollment remains substantially lower among girls than boys. In 2001, the gross primary enrollment rate was 49.2 percent for girls, compared to 74.3 percent for boys.¹⁹⁷⁰ In 1999, the gross primary school attendance rate was 61.0 percent and the net primary attendance rate was 40.0 percent.¹⁹⁷¹ Children, particularly girls, may not attend school or may choose to dropout in order to assist their parents with domestic work or agriculture.¹⁹⁷² In general, enrollment rates are substantially lower in rural areas.¹⁹⁷³ 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.¹⁹⁷⁴

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 official consent.¹⁹⁷⁵ 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.¹⁹⁷⁶ The Labor Code also prohibits forced or bonded labor and hazardous work by children under 18 years.¹⁹⁷⁷ Guinea's Penal Code prohibits trafficking of persons, the exploitation of vulnerable persons for unpaid or underpaid labor,¹⁹⁷⁸ and procurement or solicitation for the purposes of prostitution.¹⁹⁷⁹ The official age for voluntary recruitment or conscription into the armed forces is 18 years,¹⁹⁸⁰ and the regulation is reported to be strictly enforced within the government army.¹⁹⁸¹

¹⁹⁶⁷ Republic of Guinea, *Rapport relatif au principe de l'abolition effective du travail des enfants*, Conakry, September 4-8, 2000.

¹⁹⁶⁸ UNESCO, *National Education Systems - Guinea*, [cited June 13, 2003]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

¹⁹⁶⁹ World Bank, *World Development Indicators 2003*.

¹⁹⁷⁰ Ibid.

¹⁹⁷¹ Ministry of Pre-University Level Teaching and Civil Education, *Schooling in Guinea, Findings from the GDHS-2 1999*, Conakry, Guinea, January 17, 2001, 17; available from www.dec.org/pdf_docs/PNACK873.pdf.

¹⁹⁷² U.S. Department of Agriculture, *Guinea: World Food Program*. See also UNICEF, *Situation Des Enfants et Des Femmes*, 70.

¹⁹⁷³ According to USAID, sample enrollment rates in two rural areas were 16 percent and 27 percent, as opposed to 84 percent in Conakry. See USAID, *USAID Education*. See also Fofana, USAID interview, August 12, 2002.

¹⁹⁷⁴ 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 with USDOL official, August 12, 2002.

¹⁹⁷⁵ *Code du Travail de la Republique de Guinée*, 1988, Article 5.

¹⁹⁷⁶ The penalty for an infraction of the law is a fine of 30,000 to 600,000 GFN (USD 16 to 310). See Ibid., Articles 31, 145, 48, and 67. For currency conversion see FX Converter, [online] [cited June 18, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

¹⁹⁷⁷ 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.

¹⁹⁷⁸ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁹⁷⁹ The fine for violations of the procurement or solicitation law ranges from 100,000 to 1,000,000 GFN (USD 52 to 515) and imprisonment for 2 to 5 years when the crime involves a minor under 18 years. See Government of the Republic of Guinea, *Penal Code*, as cited in The Protection Project Legal Library, [database online], Article 289, as cited in Protection Project [cited August 25, 2003]; available from <http://www.protectionproject.org>. For currency conversion see FX Converter, at <http://www.carosta.de/frames/convert.htm>.

¹⁹⁸⁰ 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 June 13, 2003]; available from http://www.child-soldiers.org/report2001/global_report_contents.html.

¹⁹⁸¹ U.S. Embassy-Conakry, *unclassified telegram no. 1239*, August 2003.

The government has acknowledged that the implementation and enforcement of labor legislation remains weak.¹⁹⁸² The Labor Inspectorate within the Ministry of Labor has one inspector and several assistants in each prefecture to enforce relevant legislation.¹⁹⁸³ Under the Labor Code, punishment for infractions of child labor laws range from a fine of up to 800,000 GNF (USD 414) to imprisonment for no more than two months.¹⁹⁸⁴ The penalty for trafficking is 5 to 10 years of imprisonment.¹⁹⁸⁵

The Government of Guinea ratified ILO Convention 138 and ILO Convention 182 on June 6, 2003.¹⁹⁸⁶

¹⁹⁸² UN Committee on the Rights of the Child, *Initial Reports of States Parties: Guinea*, para. 119.

¹⁹⁸³ Bengaly Camara, interview with USDOL official, August 12, 2002.

¹⁹⁸⁴ *Code du Travail, 1988*, Article 205. For currency conversion see FX Converter, at <http://www.carosta.de/frames/convert.htm>.

¹⁹⁸⁵ U.S. Embassy- Conakry, *unclassified telegram no. 2368*.

¹⁹⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3 2003]; available from http://www.ilo.org/ilolex/cgi-lex/ratific.pl?Guinea_.

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

The Government of Guinea-Bissau has noted that child labor is harmful to the development of those involved, but states that it suffers from ineffective policies and lacks the resources or mechanisms to adequately address the problem.¹⁹⁸⁷ The government is receiving support from the ILO to incorporate child labor indicators into its poverty reduction strategy, and to revise the national labor code in order to strengthen laws protecting children.¹⁹⁸⁸ Small-scale child labor initiatives that focus on literacy, education alternatives, and technical training are being implemented by NGOs.¹⁹⁸⁹

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.¹⁹⁹⁰ 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.¹⁹⁹¹ In addition, UNICEF is supporting the government with a program to promote female literacy and girls’ access to education in one targeted region of the country.¹⁹⁹²

According to 1998 estimates, over half of the country’s displaced population consisted of children under 18 years of age.¹⁹⁹³ The government is assisting these children with humanitarian services and World Food Program aid aimed at increasing school attendance, particularly among girls.¹⁹⁹⁴

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.¹⁹⁹⁵ Children work in street trading, farming, and domestic labor.¹⁹⁹⁶ During the annual cashew harvest, children are withdrawn in part or completely from school in order to work in the fields.¹⁹⁹⁷ According to the government, the

¹⁹⁸⁷ 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.

¹⁹⁸⁸ U.S. Embassy–Dakar, *unclassified telegram no. 2129*, August 2003.

¹⁹⁸⁹ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 252.

¹⁹⁹⁰ *Ibid.*, para. 29–31.

¹⁹⁹¹ World Bank, *Basic Education Support Project*, *World Bank Project Data*, [cited June 19, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001015>.

¹⁹⁹² UNICEF, *Girls’ Education in Guinea Bissau*, [cited June 19, 2003]; available from <http://www.unicef.org/girlseducation/Bissaufinal.pdf>.

¹⁹⁹³ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, paras. 234, 39. The displacement was caused by internal conflict beginning in 1998 and lasting 11 months. WFP, *WFP-Assisted Projects, Guinea-Bissau*, 2003 [cited June 19, 2003]; available from http://www.wfp.org/country_brief/africa/guinea_bissau/projects_c.html.

¹⁹⁹⁴ WFP, *WFP-Assisted Projects*.

¹⁹⁹⁵ 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 housekeeping chores in the household, or who have performed other family work. It was estimated that 5.1 percent of children between ages 5 and 14 engage in paid work; 9.7 percent participate in unpaid work for someone other than a household member; and, overall, 65.4 percent of children are working in some capacity. See Government of Guinea-Bissau, *Multiple Indicator Cluster Survey (MICS): Guinea-Bissau*, UNICEF, December 2000; 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; available from <http://www.ucw-project.org/resources/index.html>.

¹⁹⁹⁶ U.S. Department of State, *Country Reports on Human Rights Practices– 2001: Guinea-Bissau*, Washington, D.C., March 4, 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8385.htm>.

¹⁹⁹⁷ U.S. Embassy–Dakar, *unclassified telegram no. 2129*.

number of children working in the informal sector, often in difficult or dangerous conditions, is increasing considerably.¹⁹⁹⁸ In addition, commercial sexual exploitation of children occurs, but the extent of the problem is unknown.¹⁹⁹⁹ Children were reported to be involved in the recent civil war in Guinea-Bissau.²⁰⁰⁰

Education is compulsory from the age of 7 to 13 years.²⁰⁰¹ In 1999, the gross primary enrollment rate was 82.7 percent, with a higher enrollment rate for males (99.1 percent) compared to females (66.3 percent). In 1999, the net primary enrollment rate was 53.6 percent. Males had a higher net rate (62.6 percent) compared with females (44.5 percent).²⁰⁰² In 2003, the majority of school-age children were unable to receive schooling due to prolonged strikes in state-run schools.²⁰⁰³ The number of classrooms and schools is insufficient, particularly in rural areas where the majority of the population resides. According to UNICEF, 26 percent of rural schools offer only 2 grades, and 50 percent offer only 4 grades.²⁰⁰⁴ 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,²⁰⁰⁵ and banned from schools when pregnant.²⁰⁰⁶

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.²⁰⁰⁷

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.²⁰⁰⁸ The law prohibits forced or bonded labor.²⁰⁰⁹ The practice of prostitution for lucrative purposes is illegal in Guinea-Bissau, as is the use of violence, threats, or other coercive actions to transport individuals to foreign countries.²⁰¹⁰ In order to prevent trafficking, the law requires that individuals responsible for a child during travel submit identification documents (birth certificates) to relevant

¹⁹⁹⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 250.

¹⁹⁹⁹ Prostitution among young people is reported to be reaching alarming proportions. See *Ibid.*, para. 253.

²⁰⁰⁰ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002, 38, [cited June 19, 2003]; 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.

²⁰⁰¹ UNICEF, *Youth at the UN, Country Profiles on the Situation of Youth: Guinea-Bissau*, UNICEF, 2000 [cited June 19, 2003]; available from <http://esa.un.org/socdev/unyin/countrya.asp?countrycode=gw>.

²⁰⁰² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁰⁰³ U.S. Embassy- Dakar, *unclassified telegram no. 2129*.

²⁰⁰⁴ UNICEF, *Girls' Education in Guinea Bissau*.

²⁰⁰⁵ *Ibid.* See also UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 33.

²⁰⁰⁶ UNICEF, *Girls' Education in Guinea Bissau*.

²⁰⁰⁷ UNICEF, *UNICEF's Humanitarian Response to Children, January - December 1999, Guinea-Bissau*, UNICEF, 11, [cited June 19, 2003]; available from www.unicef.org/cap/gbissau.pdf.

²⁰⁰⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Guinea-Bissau*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18208pf.htm>.

²⁰⁰⁹ *Ibid.*, Section 6c.

²⁰¹⁰ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 259-61.

authorities.²⁰¹¹ 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 are subject to compulsory military service.²⁰¹²

The Ministry of Justice and Labor is responsible for enforcing labor laws in the formal sector,²⁰¹³ but due to economic conditions, formal private sector employment of any kind is virtually nonexistent.²⁰¹⁴ 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 ILO Convention 138 or ILO Convention 182.²⁰¹⁵

²⁰¹¹ Ibid., para. 176.

²⁰¹² Ibid., para. 137.

²⁰¹³ U.S. Department of State, *Country Reports- 2002: Guinea-Bissau*, Section 6d.

²⁰¹⁴ U.S. Embassy- Dakar, *unclassified telegram no. 3985*, December 2001.

²⁰¹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In 1998 and 1999, officials of the Government of Guyana 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.²⁰¹⁶ In 1999, the government established a drop-in center for street children, and is also building a home for street children.²⁰¹⁷

In 2002, the government implemented a five-year Basic Education Access and Management Systems Project to address teacher training, education management, and educational development.²⁰¹⁸ As part of the plan, the government received a loan from the IDB to modernize and strengthen the country's basic education system.²⁰¹⁹ In November 2002, the Government of Guyana became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.²⁰²⁰ Countries are eligible to receive this financing if they are willing to prioritize primary education and enact policies that improve their primary education systems.²⁰²¹ In 2000, a draft National Education Plan was prepared with basic education, efficient and optimal use of resources, and increased accountability at all levels identified as key priorities.²⁰²² In January 1998, the government began the Escuela Nueva project, which aims to improve learning and the quality of education in schools with limited resources.²⁰²³ During the 1990s, the Government of Guyana implemented a Primary Education Improvement Project that enhanced teacher training, produced new primary school textbooks, and constructed 35 new schools, rehabilitating 64 more.²⁰²⁴

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 27.0 percent of children ages 5 to 14 in Guyana were working.²⁰²⁵ UNICEF reports that child labor is a problem in the informal sector, and it is common to see children engaged in street trading.²⁰²⁶ There are reports that children are involved in prostitution in ports, gold mining areas, and the capital city of Georgetown.²⁰²⁷ In the Hinterland areas, girls are recruited to work as domestic servants and waitresses in

²⁰¹⁶ ILO-IPEC, *SIMPOC: Major Activities and Achievements in 1998-1999*, [online] October 31, 2000 [cited June 5, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/simpoc00/page4.htm>.

²⁰¹⁷ UNICEF and Government of Guyana, *Progress Report Towards Attaining the Goals of the World Summit for Children*, October 2000, 31; available from http://www.unicef.org/specialesession/how_country/edr_guyana_en.PDF.

²⁰¹⁸ Safraz Ishmael, *Guyana News and Information: Guyana Monthly Update*, Embassy of Guyana, [online] June 4 [cited June 5, 2003], April 2003 edition; available from <http://www.guyana.org/GuyNews/guynews.html>.

²⁰¹⁹ Inter-American Development Bank, *IDB Approves \$30 Million to Modernize Basic Education in Guyana*, [online] June 19, 2002 [cited June 6, 2003]; available from <http://www.iadb.org/exr/PRENSA/2002/cp13802e.htm>.

²⁰²⁰ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

²⁰²¹ 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 June 6, 2003]; available from <http://www.worldbank.org>.²⁰²² UNICEF and Guyana, *Progress Report Towards Attaining the Goals of the World Summit*, 29.

²⁰²³ UNESCO, *Education for All 2000 Assessment: Country Reports-Guyana*, prepared by Ms. Evelyn Hamilton Ministry of Education, pursuant to UN General Assembly Resolution 52/84; available from <http://www2.unesco.org/wef/countryreports/guyana/contents.html#cont>.

²⁰²⁴ Ibid.

²⁰²⁵ Government of Guyana, *Multiple Indicator Cluster Survey (MICS) 2000 -Guyana*, UNICEF, December 18, 2002, 53; available from <http://www.childinfo.org/MICS2/newreports/guyana/guyana.htm>.

²⁰²⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Guyana*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18334.htm>.

²⁰²⁷ ECPAT International, *Guyana*, in ECPAT International, [database online] [cited May 21, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/. See also U.S. Department of State, *Country Reports- 2002: Guyana*, Section 6f.

restaurants.²⁰²⁸ The Guyana Human Rights Association reported that there were cases where female adolescents, aged 14 to 16 years, traveled from the capital city of Georgetown to the Suriname border for the purpose of prostitution.²⁰²⁹

Primary education in Guyana is free and compulsory for children ages 5 years and 9 months to 12 years.²⁰³⁰ In 1999, the gross primary enrollment rate was 119.7 percent, and the net primary enrollment rate was 97.9 percent.²⁰³¹ In 2000, 87.3 percent of children of primary school age were attending primary school.²⁰³² In 2002, 97.0 percent of children enrolled in primary school reached grade 5.²⁰³³

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,²⁰³⁴ but children under that age may be employed in enterprises in which members of their family are employed.²⁰³⁵ Forced labor is prohibited by the Constitution.²⁰³⁶ Prostitution of a child under 13 years is illegal according to the Criminal Law Offenses Act, but it is a defense for the accused to claim that he/she believed the child to be at least 13 years.²⁰³⁷ Sections 83-86 of the Act prohibit the abduction of unmarried girls, and although there is no particular offense of child pornography in Guyana, Section 350 of the Act regulates selling, publishing, or exhibiting an obscene matter.²⁰³⁸ The Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively.²⁰³⁹

The Government of Guyana ratified ILO Convention 138 on April 15, 1998 and ILO Convention 182 on January 15, 2001.²⁰⁴⁰

²⁰²⁸ UNICEF, *Girls' Education in Guyana*, [online] [cited May 22, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Guyanafinal.PDF.

²⁰²⁹ ECPAT International, *Guyana*. See also U.S. Department of State, *Country Reports- 2002: Guyana*.

²⁰³⁰ Primary education has been compulsory in Guyana for over a century. See UNESCO, *EFA 2000 Report: Guyana*. Other sources suggest that education is compulsory until age 11. See also National Development Strategy Secretariat, *National Development Strategy, Vol. 3: The Social Sectors, Ch. 20: Education Policy*, Ministry of Finance, [online] [cited June 6, 2003]; available from <http://www.guyana.org/NDS/chap20.htm>. See also UNESCO, *Guyana - Education System*, [online] [cited May 22, 2003]; available from <http://www.unesco.org/iau/cd-data/gy.rtf>.

²⁰³¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁰³² Government of Guyana, *MICS 2000 - Guyana*, 17. For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁰³³ *Ibid.*, 16.

²⁰³⁴ U.S. Department of State, *Country Reports- 2002: Guyana*, Section 6d. See also *Employment of Women, Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933; available from <http://natlex.ilo.org>.

²⁰³⁵ U.S. Department of State, *Country Reports- 2002: Guyana*, Section 6d.

²⁰³⁶ *Constitution of the Co-operative Republic of Guyana*, Article 140; available from <http://www.georgetown.edu/pdba/Constitutions/Guyana/guyana96.html>.

²⁰³⁷ Interpol, *Legislation on Sexual Offences Against Children*, [database online] [cited June 9, 2003]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaGuyana.asp>.

²⁰³⁸ *Ibid.*

²⁰³⁹ U.S. Department of State, *Country Reports- 2002: Guyana*, Section 6d.

²⁰⁴⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 9, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Haiti became a member of ILO-IPEC in 1999.²⁰⁴¹ ILO-IPEC is providing assistance to the government to address the problem of child domestic workers (known as *restaveks*, in Haitian Creole).²⁰⁴² In 2003, the Government of Haiti passed legislation prohibiting trafficking and repealing the provisions of the Labor Code that permitted child domestic work.²⁰⁴³ The Ministry of Labor and Social Affairs planned a series of public seminars to raise awareness on child domestic labor, in coordination with the Institute for Welfare and Research (IBESR), the Ministry of Women's Affairs, and the Ministry of Education.²⁰⁴⁴ Government officials, including the First Lady, have also spoken out condemning the use of child domestic workers.²⁰⁴⁵

In 2003, ILO-IPEC completed a USDOL-funded country program intended to strengthen the capacity of government ministries and institutions responsible for *restaveks*, raise public awareness about the issue, and remove children from exploitative work.²⁰⁴⁶ As a component of this project, the government co-sponsored a qualitative study on child domestic work.²⁰⁴⁷

In order to combat international trafficking, in 2003 the Haitian Ministry of Interior announced new requirements for the movement of children across national borders by persons other than parents. The number of immigration officials at Haiti's three international airports and along the border between Haiti and the Dominican Republic have increased. Border and officials involved in preventing child trafficking will receive U.S. Government-funded training in order to better identify potential victims of trafficking.²⁰⁴⁸

Government programs reach only a fraction of the children exploited through internal trafficking and domestic labor. The Ministry of Social Affairs implements a program called SOS Timoun, under which reports of child abuse may be reported through a hotline number, but the service is open only during business hours and provides limited access to shelters.²⁰⁴⁹ In addition, child domestic service is deeply ingrained in Haitian tradition and culture, which presents an impediment to government efforts and social change.

²⁰⁴¹ ILO, *All About IPEC: Program Countries*, 2003 [cited July 24, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁰⁴² ILO-IPEC, *Haiti and IPEC Launch Programme to Combat Child Domestic Labour*, [online] [cited June 10, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts20.htm>.

²⁰⁴³ U.S. Embassy- Port Au Prince, *unclassified telegram no. 00983*, May, 2003.

²⁰⁴⁴ U.S. Department of State official, electronic communication to USDOL official, June 11, 2003.

²⁰⁴⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. See also ILO-IPEC, *Combating the Exploitation of Child Domestic Workers in Haiti*, project document, HAI/99/05P/050, Geneva, January 1, 1999. See also ILO-IPEC, *Modification to Combating the Exploitation of Child Domestic Workers in Haiti*, HAI/99/05P/050, Geneva, January 29, 2003.

²⁰⁴⁶ ILO-IPEC, *Haiti and IPEC Launch Programme*. See also ILO-IPEC, *Combating the Exploitation of Child Domestic Workers in Haiti: Project Modification*, Geneva, January 29, 2003.

²⁰⁴⁷ The study was produced by ILO-IPEC, UNDP, UNICEF, Save the Children/Canada, and Save the Children/UK. See U.S. Department of State official, electronic communication, June 11, 2003.

²⁰⁴⁸ U.S. Department of State, *Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons: Statement of Explanation, Haiti*, [online] 2003 [cited October 15, 2003]; available from <http://www.state.gov/g/tip/rls/rpt/25017.htm>. See also U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

²⁰⁴⁹ Minister of Social Affairs Mathilde Flamberg and Chef du Cabinet Particulier Pierre Richard Painson, interview with USDOL official, August 1, 2000. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Haiti*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18335.htm>. In 2002, only 100 children were rescued from trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*.

In 1997 the Government of Haiti announced a 10-year National Education and Training Plan intended to promote enrollment and retention through improved access to schools, teacher training and a revised national curriculum.²⁰⁵⁰ The Ministry of Education is receiving loans from the IDB for a Basic Education Project aimed at supporting the objectives of the National Plan.²⁰⁵¹ USAID is also supporting the National Plan through a project to increase the quality of primary education, increase access to information technology, and provide services to at-risk children.²⁰⁵² In addition, the Ministry of Education is working with NGOs and international organizations, including UNICEF,²⁰⁵³ to build new schools and implement alternative education initiatives.²⁰⁵⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 22.3 percent of children ages 10 to 14 years in Haiti were working.²⁰⁵⁵ 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.²⁰⁵⁶

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 of wealthy families. A 2002 survey by the FAFO Institute for Applied Social Sciences estimated that 173,000, or 8.2 percent of children aged 5 to 17 years, were child domestic workers.²⁰⁵⁷ A survey by the National Coalition for Haitian Rights estimated that 1 in 10 children in Haiti is a domestic worker.²⁰⁵⁸ Many *restaveks* work without compensation, reach the age of 15, 16, or 17 years without ever having attended school,²⁰⁵⁹ are forced to work long hours under harsh conditions, and are subject to mistreatment, including sexual abuse.²⁰⁶⁰

²⁰⁵⁰ Inter-American Development Bank, *Haiti Basic Education Program Loan Proposal*, [cited June 11, 2003]; available from www.iadb.org/exr/doc98/apr/ha1016e.pdf. See also Organization for Petroleum Exporting Countries, *OPEC Fund Supports Education in Haiti with US\$5 Million Loan*, 2003 [cited June 11 2003]; available from <http://www.pecfund.org/new/press/1999/pr9916.html>.

²⁰⁵¹ Inter-American Development Bank, *IDB Basic Education Program*.

²⁰⁵² USAID, *USAID/Haiti: Population and Health*, 2003 [cited June 11 2003]; available from <http://www.usaid.gov/ht/health.html>.

²⁰⁵³ UNICEF, *Haiti Faces Major Education Challenge*, [online] 1999 [cited June 11, 2003]; available from <http://www.unicef.org/newsline/99pr19.htm>.

²⁰⁵⁴ Paul Bien-Aime, interview with USDOL official, August 1, 2000.

²⁰⁵⁵ World Bank, *World Development Indicators* [CD-ROM], Washington, D.C., 2003.

²⁰⁵⁶ U.S. Department of State, *Country Reports- 2002: Haiti*, Section 6d.

²⁰⁵⁷ According to the survey, previous estimates on the number of child domestics have generally been between 100 to 200 thousand children. The survey notes that quantifying child domestic workers is difficult due to numerous factors, most notably that the total population in Haiti is not known, and therefore extrapolations of working children may vary depending upon which population estimate is used. See Tone Sommerfelt (ed.), *Child Domestic Labor in Haiti: Characteristics, Contexts and Organization of Children's Residence, Relocation, and Work*, FAFO, 2002, pg. 34-35. UNICEF has provided the highest estimate of child domestic workers to date, reporting that there are approximately 300,000 *restaveks*, 80 percent of whom are girls under 14 years of age. See UNICEF, *Haiti Faces Major Education Challenge*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁵⁸ 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.

²⁰⁵⁹ UNICEF, *Helping Child Servants Who Are Virtual Slaves*, [cited June 12, 2003]; available from <http://www.unicef.org/media/storyideas.946.htm>.

²⁰⁶⁰ UN Committee on the Rights of the Child, *Concluding Observations: Haiti, Consideration of Reports Submitted by States Parties Under Article 44*, United Nations, Geneva, March 18 2002, para. 56; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/0993aaf549a989c1256d2b00526ce9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/0993aaf549a989c1256d2b00526ce9?Opendocument).

Estimates on the number of street children in Haiti vary from 5,000 to 10,000, according to recent studies by UNICEF and Save the Children/Canada, respectively.²⁰⁶¹ In 2003, ILO-IPEC published a rapid assessment on the commercial sexual exploitation of children in Haiti, which documented that this practice occurs in various locations throughout the country. The majority of the commercial sex workers surveyed were street children and were in the 13 to 17 age range, although some were found to be under 10 years old.²⁰⁶² Other reports indicate that commercial sexual exploitation of children occurs in the capital and other major towns, in connection with the tourist industry.²⁰⁶³ 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.²⁰⁶⁴

According to the Constitution, primary schooling is free and compulsory.²⁰⁶⁵ Education is required from the age of 6 to 15 years.²⁰⁶⁶ In 1997, the gross primary enrollment rate was 110.4 percent, and in 1996, the net primary enrollment rate was 56.1 percent.²⁰⁶⁷ 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.²⁰⁶⁸ Recent 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.²⁰⁶⁹ Despite national plans to address educational deficiencies, almost 90 percent of Haitian schools are run by private or religious organizations with reportedly limited government supervision.²⁰⁷⁰ School facilities are in disrepair, and overcrowding leaves 75 percent of students without a seat in the classroom.²⁰⁷¹ In addition, costs associated with school, including uniforms and books, are reported to prevent many children areas from attending.²⁰⁷²

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 14 years as the minimum age for apprenticeships.²⁰⁷³ The Labor Code also bans

²⁰⁶¹ UNICEF estimates that there are approximately 5,000 street children in Haiti, including those who escaped from domestic servitude. See UNICEF, *Haiti Faces Major Education Challenge*. According to Save the Children Canada, there are approximately 10,000 street children, including between 6,000 and 8,000 in the capital city, Port-au-Prince. See Save the Children/Canada, *Haiti*, [cited June 10, 2003]; available from <http://www.savethechildren.ca/en/whatwedo/haiti.html>.

²⁰⁶² ILO-IPEC, *Etude Exploratoire sur l'Exploitation Sexuelle Commerciale des Enfants*, Port-au-Prince, April 2003, pgs. 20, 31.

²⁰⁶³ ECPAT International estimates that 10,000 children are involved in commercial sexual exploitation in Haiti. See ECPAT International, *Haiti*, in ECPAT International, [database online] [cited June 10, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index/asp.

²⁰⁶⁴ ILO-IPEC official, electronic communication to USDOL official, August 16, 2002.

²⁰⁶⁵ *Constitution of Haiti*, (1987), [cited June 10, 2003]; available from http://www.right-to-education.org/content/index_4.html.

²⁰⁶⁶ 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.

²⁰⁶⁷ World Bank, *World Development Indicators 2003*.

²⁰⁶⁸ UNICEF, *Haiti Faces Major Education Challenge*.

²⁰⁶⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁰⁷⁰ USAID, *USAID/Haiti: Population and Health*. See also UN Committee on the Rights of the Child, *Concluding Observations: Haiti*, para. 52.

²⁰⁷¹ UNICEF, *Haiti Faces Major Education Challenge*.

²⁰⁷² U.S. Department of State, *Country Reports- 2002: Haiti*, Section 5.

²⁰⁷³ Government of Haiti, *Code du Travail*, (1984), Articles 73, 335 [cited June 10, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. In May 2003, the Minister of Labor introduced legislation intended to repeal the provisions of the Labor Code that sanction the use of child domestic workers. This legislation would also prohibits trafficking in children for the purposes of prostitution or pornography, but the legislation has not yet been passed. The new legislation does not stipulate enforcement measures or sanctions for violators. See *Law on the Prohibition and Elimination of All Forms of Abuse, Violence, Mistreatment, and Inhumane Treatment of Children*, (April 29, 2003), Article 1. See also U.S. Embassy- Port Au Prince, *unclassified telegram no. 983*. See also U.S. Department of State, electronic communication, February 19, 2004.

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,²⁰⁷⁴ and prohibits forced labor.²⁰⁷⁵

The Ministry of Labor and 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.²⁰⁷⁶ In June 2003, the government passed a law prohibiting all forms of violence and inhumane treatment against children.²⁰⁷⁷ Child labor laws, however, particularly child domestic labor regulations, are not enforced.²⁰⁷⁸ According to the government, the IBESR lacks the resources to adequately monitor the living conditions of child domestic workers, or to enforce protective measures on their behalf.²⁰⁷⁹ 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, but did result in the rescuing of approximately 100 child domestic servants.²⁰⁸⁰ In May 2003, the government formed a 30-person police unit to monitor cases of suspected trafficking along the border and to rescue trafficking victims. The unit is reported to be poorly equipped, but will receive U.S. Government-funded training along with the Ministry of Interior border officials.²⁰⁸¹

The Government of Haiti has not ratified ILO Convention 138 or ILO Convention 182.²⁰⁸²

²⁰⁷⁴ 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. *Code du Travail*, Articles 333, 35-39.

²⁰⁷⁵ *Ibid.*, Article 4.

²⁰⁷⁶ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*, October 2001.

²⁰⁷⁷ U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁷⁸ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*.

²⁰⁷⁹ UN Committee on the Rights of the Child, *Initial Reports of States parties due in 1997: Haiti*, United Nations, Geneva, 2002, para. 259.

²⁰⁸⁰ U.S. Embassy-Port Au Prince, *unclassified telegram no. 2570*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁸¹ U.S. Department of State, *Presidential Determination Regarding Trafficking in Persons: Haiti*. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Haiti*. See also U.S. Department of State, electronic communication, February 19, 2004.

²⁰⁸² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 10, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Honduras has been a member of ILO-IPEC since 1997.²⁰⁸³ 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.²⁰⁸⁴ The Commission is currently participating in ILO-IPEC projects, 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.²⁰⁸⁵ 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 (MOLSS) to conduct a national child labor survey.²⁰⁸⁶ Honduras is also participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.²⁰⁸⁷ With other donor funding, ILO-IPEC is carrying out projects aimed at raising awareness, collecting information, and providing direct services to children involved in domestic work in the homes of third parties,²⁰⁸⁸ the lobster industry, and garbage dump scavenging.²⁰⁸⁹ The government collaborates with the NGO Compartir on a child labor project in the garbage dump of Tegucigalpa.²⁰⁹⁰ The Government of Honduras also published its National Plan of Action for the Gradual and Progressive Eradication of Child Labor in 2001.²⁰⁹¹

In June 2001, the Honduran Private Business Council promoted a Declaration signed by the MOLSS, the First Lady of Honduras, and the ILO to immediately eradicate the worst forms of child labor.²⁰⁹² In September 2001, in collaboration with the Honduran Private Business Council, the MOLSS implemented a campaign to increase

²⁰⁸³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 25, 2003]; available from http://www.ilo.org/public/english/standards/ipe/about/countries/t_country.htm.

²⁰⁸⁴ Decreto Ejecutivo Número PCM-017-98, Presidencia de la República (Honduras: 1998), 2 and 4, decreed the creation of the National Commission. In June 2000, the Ministry of Labor and Social Security published a report on its efforts to eliminate child labor and develop government capacity in the areas of inspection, surveys, awareness-raising, and coordination between agencies. See German Leitzelar Vidaurreta, Minister of Labor, official submission to US Embassy Tegucigalpa Labor Attaché, September 19, 2003, pages 9-11, and Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*, 2000.

²⁰⁸⁵ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras*, project document, HON/00/P50/USA, Geneva, July - September 2000. See also ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Honduras*, project document, HON/99/05/050, Geneva, 1999.

²⁰⁸⁶ ILO-IPEC, *SIMPOC Central America*, project document, CAM/99/05/050, Geneva, 1999. See also National Institute of Statistics, *Mercado Laboral Infantil medido por la Encuesta Permanente de Hogares de Propósitos Múltiples*, Tegucigalpa, 2002.

²⁰⁸⁷ In Honduras, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, Geneva, 2002, pages 26-28.

²⁰⁸⁸ ILO official, electronic correspondence to USDOL official, September 16, 2002. See also ILO-IPEC, *Trabajo infantil domestico en Honduras*, San Jose, 2003, 13.

²⁰⁸⁹ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 1487*, June 2003.

²⁰⁹⁰ Government of Honduras, *Esfuerzos en la Eliminación de las Peores Formas de Trabajo Infantil*, September 2002. In addition, with funding from ILO-IPEC, *Compartir* carried out a study on the conditions of work at the Tegucigalpa garbage dump. See *Compartir, Niñez Trabajadora en el Depósito de Basura de Tegucigalpa, Estudio de Focalización y Condiciones de Trabajo*, ILO-IPEC, Tegucigalpa.

²⁰⁹¹ 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.

²⁰⁹² U.S. Embassy- Tegucigalpa, *unclassified telegram no. 0944*, March 2002. See also Eris Gallegos, "Firma de Declaración: Empresarios se comprometen a erradicar las peores formas de trabajo infantil," *El Tiempo* (San Pedro Sula), 2001.

industry awareness on the worst forms of child labor.²⁰⁹³ 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.²⁰⁹⁴

With funding from the Spanish Agency for International Cooperation, the government of Honduras has carried out public awareness and information collection on child labor. The government has also collaborated 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 lobster diving sector.²⁰⁹⁵ USAID's Basic Education and Policy Support Activity (BEPS) child labor team has conducted child labor studies in the Southern cone of Choluteca, Valle, and in Mosquitia.²⁰⁹⁶ During 2003, the Government of Honduras and NGOs held seminars on the prevention and eradication of the trafficking and commercial sexual exploitation of children in Tegucigalpa, La Ceiba, and Valle.²⁰⁹⁷

The government has initiated several programs in order to improve children's access to quality basic education. The Ministry of Education makes available radio and long distance learning for children in rural areas with few schools and provides disadvantaged families with stipends for school supplies.²⁰⁹⁸ Regional committees of child defense volunteers also try to encourage parents to send their children to school.²⁰⁹⁹ 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 methods, improving curriculum, and reducing dropout rates, repetition, and desertion; reduce illiteracy; and expand basic education services and training in essential skills for youth.²¹⁰⁰ In October 2003, the Government of Honduras signed a Memorandum of Understanding with representatives of the World Bank and other donor agencies that coordinates the support of various partners to help Honduras reach its Education for All goals.²¹⁰¹

²⁰⁹³ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 3211*, October 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Honduras*, Washington, D.C., March 31, 2003, Section 6d [cited April 3, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18336.htm>.

²⁰⁹⁴ 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*.

²⁰⁹⁵ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*. The government is collaborating with UNICEF on a public information campaign against trafficking and commercial sexual exploitation, and it has tried to raise awareness of children and women's rights and risks associated with illegal migration. See U.S. Embassy–Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

²⁰⁹⁶ Basic Education and Policy Support Activity, *Planning educational strategies for working children in Honduras*, 2002 [cited June 19, 2003]; available from http://www.beps.net/child_labor/labor_education_honduras.htm.

²⁰⁹⁷ U.S. Embassy–Tegucigalpa Labor Attaché, electronic communication to USDOL official, February 19, 2004.

²⁰⁹⁸ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 3211*.

²⁰⁹⁹ Ibid.

²¹⁰⁰ 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 June 25, 2003]; available from http://www2.unesco.org/wef/countryreports/honduras/rapport_1.html. Education for All is an international effort to promote, among other goals, universal primary education by 2015. See World Bank, *Education For All*, [online] [cited December 2, 2003]; available from <http://www1.worldbank.org/education/efa.asp>.

²¹⁰¹ World Bank, *Honduras, Donors Commit To Education For All*, Washington, DC, November 3, 2003; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20135356~menuPK:34459~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.

Incidence and Nature of Child Labor

In 2002, the Multiple-Purpose Household Survey reported that 15.4 percent of children ages 5 to 17 years in Honduras were working.²¹⁰² According to this survey, 56.2 percent of all working children are employed in agriculture, forestry, hunting, or fishing.²¹⁰³ Working children are also employed in cattle farming, manufacturing, mining, electricity, gas, construction, commerce, transportation, finance, or service industries (including domestic service).²¹⁰⁴ To supplement family incomes derived from family farms or from small businesses, two-thirds of working children work without compensation.²¹⁰⁵

According to the Government of Honduras, the worst forms of child labor in Honduras include: commercial sexual exploitation (particularly in major cities and the tourist sector along the North Coast); fireworks manufacturing (in Copán); marine diving (on lobster boats in the Mosquitia coast); work in limestone quarries and garbage dumps (in the two large cities of Tegucigalpa and San Pedro Sula); mining and dirt extraction (South and East regions); the sale and handling of pesticides (Copán, La Ceiba, and Choluteca); construction; and agricultural work (in the coffee and melon industries).²¹⁰⁶ The harvesting of sugar cane is another dangerous area of child labor.²¹⁰⁷ Children have also been used to sell drugs in Olancho and Comayagua.²¹⁰⁸

Casa Alianza estimated in December 2003 that there are approximately 8,335 child victims of commercial sexual exploitation.²¹⁰⁹ There is evidence of child prostitution in tourist and border areas.²¹¹⁰ Honduras is primarily a source country for girls trafficked for commercial sexual exploitation. Honduran girls are trafficked by criminal groups to Mexico, other Central American countries, and the United States for the purpose of prostitution.²¹¹¹ Children have also been reportedly trafficked to Canada for prostitution and the sale of drugs.²¹¹²

Education is free and compulsory²¹¹³ in Honduras until the age of 13.²¹¹⁴ In 2002, the Government of Honduras increased its national school capacity by 50,000 children and allocated 23.7 percent of its total yearly expenditure

²¹⁰² This percentage represents 356,241 children in this age group. ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil en Honduras*, San Jose, September 2003, x, 24 [final draft, publication pending in November 2003].

²¹⁰³ Ibid., 26.

²¹⁰⁴ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2159*, June 2000. See also FUNPADEM, *Pobreza y Subsistencia: Trabajo Infantil y Adolescente en los Departamentos de Cortes, Copan, y Santa Barbara*, San José, Costa Rica, 2001, 56–60.

²¹⁰⁵ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2159*. See also ILO-IPEC, *Informe Nacional sobre los Resultados de la Encuesta del Trabajo Infantil*, 26.

²¹⁰⁶ National Commission for the Eradication of Child Labor, *Plan de Acción Nacional*, 97–98. See also U.S. Embassy–Tegucigalpa, *unclassified telegram no. 3211*.

²¹⁰⁷ U.S. Embassy–Tegucigalpa, *unclassified telegram no. 2025*, August 2003.

²¹⁰⁸ National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación Gradual y Progresiva del Trabajo Infantil*, Tegucigalpa, 2000, 17.

²¹⁰⁹ Casa Alianza, *Casa Alianza Honduras reveals the facts on child sexual exploitation*, [online] December 16, 2003 2003 [cited February 20, 2004]; available from <http://www.casa-alianza.org/EN/human-rights/sexual-exploit/docs/16122003.phtml>.

²¹¹⁰ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5. See also National Commission for the Eradication of Child Labor, *Diagnóstico y Plan Nacional Para La Erradicación de Trabajo Infantil*, 17.

²¹¹¹ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Honduras*, Washington, D.C., June 11, 2003, [cited June 23, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²¹¹² U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f.

²¹¹³ *Constitución de la República de Honduras, 1982*, Capítulo 8, Artículo 171, No. 7, [cited June 26, 2003]; available from http://www.honduras.net/honduras_constitution.html.

²¹¹⁴ U.S. Department of State, *Country Reports- 2002: Honduras*, 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.

to basic education through the ninth grade, including the salaries of teachers and administrators.²¹¹⁵ In 2000, the gross primary enrollment rate was 106.0 percent, and the net primary enrollment rate was 87.6 percent.²¹¹⁶ 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.²¹¹⁷ Among working children, an estimated 34 percent complete primary school.²¹¹⁸ The average number of years of schooling in Honduras is 4.8 years (6.7 in urban areas and almost 3 in rural areas).²¹¹⁹

A lack of schools prevents many children in Honduras from receiving an education; as do costs such as enrollment fees, school uniforms, and transportation costs.²¹²⁰ The government estimates that 65,000 children between the ages of 6 to 12 fail to receive an education.²¹²¹ The poor quality of education and the lack of vocational education are other areas of concern.²¹²²

Child Labor Laws and Enforcement

The Constitution and the Labor Code set the minimum age for employment at 16 years, with the exception that children 14 to 15 years of age are permitted to work with parental consent and Ministry of Labor permission.²¹²³ If a child 14 to 15 years is hired, an employer must certify that such children have finished, or are finishing, compulsory schooling.²¹²⁴ 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.²¹²⁵ Children under age 16 are limited to working 6 hours a day and 30 hours a week.²¹²⁶ The Children's Code prohibits a child younger than 14 years of age from working, even with parental permission,²¹²⁷ and establishes fines,²¹²⁸ as well as prison sentences of three to five years for individuals who allow or oblige children to work illegally.²¹²⁹

²¹¹⁵ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5.

²¹¹⁶ USAID, *Global Education Database* Washington, DC, 2003; available from <http://qedb.cdie.org/ged/index.html>. [hardcopy on file]. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²¹¹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²¹¹⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹¹⁹ FUNPADEM, *Pobreza y Subsistencia*, 63.

²¹²⁰ ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹²¹ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 5.

²¹²² ILO-IPEC, *Prevention and Elimination of Child Labor in the Melon Plantations*, project document, 2.

²¹²³ *Constitución de la República de Honduras, 1982*. See also *Código de Trabajo de la Republica de Honduras*, Decreto No. 189, (July 15), Título III, Capítulo 1, Artículo 128 [hard copy on file]; available from <http://www.labor.sieca.org.gt>. See also Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 5. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁴ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁵ *Código de Trabajo de la Republica de Honduras*, Título III, Capítulo 1, Artículo 128 and 29.

²¹²⁶ *Constitución de la República de Honduras, 1982*.

²¹²⁷ Government of Honduras, *Código de la Niñez y de la Adolescencia, 1998*, Articles 120 and 34. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹²⁸ Fines between USD 281 and USD 1,404 may be imposed on firms that violate the Children's Code. These fines double if the firm is a repeat offender. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹²⁹ *Código de la Niñez y de la Adolescencia, 1998*, Articles 120 and 34. See also U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

The Minor's Code criminalizes child prostitution and child pornography.²¹³⁰ Violation of these laws can carry 5 to 8 years of imprisonment.²¹³¹ Honduran law also includes provisions that prohibit trafficking in persons, which can carry 6 to 18 years of imprisonment, as well as fines.²¹³² However, prosecution and law enforcement efforts are weak due to weak police and court systems, corruption, and lack of resources.²¹³³

The MOLSS is responsible for conducting child labor inspections.²¹³⁴ The Ministry has an insufficient number of inspectors for the entire country,²¹³⁵ and is not able to effectively enforce laws in rural areas or at small companies.²¹³⁶ Despite these problems the ministry opened a regional office and reinitiated inspections on lobster boats in the Mosquitia area in 2001, where boat captains illegally employ boy divers. Early in 2001, the MOLSS conducted a special inspection of the melon industry and has since conducted additional inspections of both the melon and sugar cane industries, in order to reduce the incidence of child labor in these sectors.²¹³⁷

The Government of Honduras ratified ILO Convention 138 on June 9, 1980 and ILO Convention 182 on October 25, 2001.²¹³⁸

²¹³⁰ Article 148 criminalizes child prostitution, while Article 143 criminalizes pornography. See U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2902*, August 2000.

²¹³¹ Government of Honduras, *Temas e Indicadores Sobre Trabajo Infantil en Honduras*, 7.

²¹³² U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6f. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹³³ U.S. Department of State, *Country Reports- 2002: Honduras*. See also U.S. Department of State, *Trafficking in Persons Report: Honduras*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*.

²¹³⁴ Secretary of Labor and Social Security, *Informe Trabajo Infantil en Honduras*.

²¹³⁵ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

²¹³⁶ U.S. Department of State, *Country Reports- 2002: Honduras*, Section 6d.

²¹³⁷ U.S. Embassy- Tegucigalpa, *unclassified telegram no. 2025*. See also U.S. Embassy- Tegucigalpa, *unclassified telegram no. 3211*.

²¹³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Hungary is working with IOM and partner agencies to implement a trafficking prevention program in schools.²¹³⁹ Through consultations with NGOs, the government has also provided anti-trafficking sensitization training to police, border guards, and consular officials.²¹⁴⁰ In 2003, the UN High Commissioner for Refugees, in conjunction with the Government of Hungary, established a shelter for unaccompanied minors in order to prevent them from being recruited by traffickers.²¹⁴¹ In December 2002, the government signed a joint declaration with other Southeastern European nations to better assist trafficking victims.²¹⁴² In 2000, the government approved a National Plan of Action against the commercial sexual abuse of children.²¹⁴³

According to the Ministry of Education, current education reform objectives include the provision of aid to underprivileged students or school districts through textbook subsidies, transportation aid, and increased access to vocational training.²¹⁴⁴ 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.²¹⁴⁵ The Government of Hungary provides subsidies to local school districts to support education for Roma children through remedial classes and courses on Roma culture. In practice, however, this effort is hampered by a lack of adequate financial monitoring, and the fact that the separated, remedial classes have reportedly resulted in institutional segregation of the Roma population.²¹⁴⁶

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Hungary are unavailable.²¹⁴⁷ There is little evidence of child labor in the formal sector, although occasional violations of child labor regulations, such as utilizing overtime or in-kind payment schemes, have been reported.²¹⁴⁸ Children work as beggars in urban areas,²¹⁴⁹ and also as prostitutes, according to Budapest Police, although the scope of the problem is unknown.²¹⁵⁰

²¹³⁹ IOM, *IOM Press Briefing Notes, November 5, 2002*, 2002 [cited June 25, 2003]; available from <http://www.iom.int/en/archive/PBN051102.shtml>. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Hungary*, Washington, D.C., June 5, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#hungary>.

²¹⁴⁰ U.S. Department of State, *Trafficking in Persons Report: Hungary*.

²¹⁴¹ U.S. Embassy- Budapest, electronic communication to USDOL official, February 19, 2004.

²¹⁴² Alban Bala, *Southeastern Europe: Governments Shift Their Focus In Fighting Human Trafficking*, Radio Free Europe: Radio Liberty, [online] December 13, 2002 [cited July 2, 2003]; available from <http://www.rferl.org/nca/features/2002/12/13122002200939.asp>. The Government of Hungary is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

²¹⁴³ In 2000, UNICEF conducted a mapping of agencies and programs that address commercial sexual exploitation of children. This was followed by a national seminar on the subject in September 2001. See UNICEF, *UNICEF in Action: Hungary*, 2003 [cited June 25, 2003]; available from <http://www.unicef.org/programme/highlights/cee/hungary/situation.htm>.

²¹⁴⁴ Government of Hungary, *Education*, 2003 [cited June 25, 2003]; available from <http://www.ekormanyzat.hu/english?kateg+english:1608>.

²¹⁴⁵ U.S. Embassy- Budapest, *unclassified telegram no. 3455*, September 2000.

²¹⁴⁶ World Bank, *Roma in an Expanding Europe: Breaking the Poverty Cycle*, Washington, D.C., July 1, 2003, 102-03.

²¹⁴⁷ Hungary does not collect labor force statistics for children under the age of 15. See ILO, *Laborstat Database of Labor Statistics*, [database online] 2003 [cited August 27, 2003]; available from <http://laborsta.ilo.org/applv8/data/ssm3/e/HU.html>.

²¹⁴⁸ U.S. Embassy- Budapest, *unclassified telegram no. 3455*.

²¹⁴⁹ *Ibid.*

²¹⁵⁰ U.S. Embassy- Budapest, *unclassified telegram no. 1920*, March 1998.

Hungary is primarily a transit country, but also a source and destination country, for trafficking in persons, including children. Trafficking in persons occurs from Romania, Ukraine, Moldova, Bulgaria, Russia, and the Balkans to and through Hungary to Western Europe and the United States for the purposes of commercial sexual exploitation.²¹⁵¹

The Education Act establishes 10 years of compulsory education, ending at the age of 16.²¹⁵² Primary education is free, according to the Constitution.²¹⁵³ In 2000, the gross primary enrollment rate was 102.0 percent and the net primary enrollment rate was 90.2 percent.²¹⁵⁴ 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.²¹⁵⁵ Schools in ethnic Roma communities are in markedly poorer condition,²¹⁵⁶ and according to UNICEF, less than 2 percent of Roma children graduate from secondary school.²¹⁵⁷

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.²¹⁵⁸ 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.²¹⁵⁹ All children under age 16 must obtain the consent of a legal guardian before entering into an employment contract.²¹⁶⁰ 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.²¹⁶¹ Forced labor is prohibited by law.²¹⁶² The 1999 Act of Offenses prohibits persuading or soliciting another to engage in prostitution is illegal, and working in a brothel under the age of 18. The punishment is two to eight years imprisonment.²¹⁶³ The Criminal Code prohibits trafficking, as well as preparation for trafficking of persons,²¹⁶⁴ and has provisions against kidnapping and violations of personal freedom and smuggling of persons.²¹⁶⁵

²¹⁵¹ U.S. Department of State, *Trafficking in Persons Report: Hungary*. See also U.S. Embassy- Budapest, electronic communication.

²¹⁵² UNESCO, *World Data on Education: Hungary*, [online] April 2002 [cited June 25, 2003]; available from http://nt5.scbb.com/cgi-bin/om_isapi.dll?clientID=355187&infobase=iwde.nfo&softpage=PL_frame.

²¹⁵³ *Constitution of the Republic of Hungary*, (1949), Article 70F, [cited June 25, 2003]; available from http://www.uni-wuerzburg.de/law/hu00000_.html.

²¹⁵⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²¹⁵⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²¹⁵⁶ U.S. Department of State, *Country Report on Human Rights Practices- 2002: Hungary*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18369.htm>.

²¹⁵⁷ UNICEF, *UNICEF in Action: Hungary*.

²¹⁵⁸ Government of Hungary, *Hungary Labour Code, Act No. 22 of 1992, Part III*, 1992, Section 72, [cited June 25, 2003]; available from <http://www.natlex.ilo.org/txt/E92HUN01.htm>.

²¹⁵⁹ *Ibid.*, Section 72(4).

²¹⁶⁰ *Ibid.*, Section 72(2).

²¹⁶¹ *Ibid.*, Sections 75 and 121.

²¹⁶² U.S. Department of State, *Country Reports- 2002: Hungary*, Section 6c.

²¹⁶³ *Act of Offenses (Act LXIX of 1999)*; available from <http://209.190.246.239/protectionproject/statutesPDF/HungaryF.pdf>.

²¹⁶⁴ U.S. Department of State, *Country Reports- 2002: Hungary*, Section 6f.

²¹⁶⁵ 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, para. 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.²¹⁶⁶ The Criminal Code establishes a punishment for trafficking violations of up to 10 years imprisonment when minors are involved.²¹⁶⁷ In 2002, the Hungarian Ministry of Interior and Office of Interpol reported 34 arrests in trafficking cases, and prosecutors brought legal proceedings in 30 cases. However, there continue to be reported incidents of border guards taking bribes to allow unregulated entries into the country.²¹⁶⁸

The Government of Hungary ratified ILO Convention 138 on May 28, 1998 and ILO Convention 182 on April 20, 2000.²¹⁶⁹

²¹⁶⁶ U.S. Embassy- Budapest, *unclassified telegram no. 3455*.

²¹⁶⁷ U.S. Department of State, *Country Reports- 2002: Hungary*, Section 6f.

²¹⁶⁸ U.S. Department of State, *Trafficking in Persons Report: Hungary*, 59. The Police Organized Crime Task Force investigated trafficking cases that involved organized crime. In 2002, the Ministry of Interior conducted two investigations that included 65 border guards who received bribes to allow foreigners to enter the country without inspecting their travel documents. Twelve were charged with corruption. See U.S. Department of State, *Country Reports- 2002: Hungary*, Section 6f.

²¹⁶⁹ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited June 25, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of India has been a member of ILO-IPEC since 1992,²¹⁷⁰ when it became the first country to sign an MOU with the organization.²¹⁷¹ In 1987, the Government of India adopted a National Policy on Child Labor. As part of this policy, approximately 100 National Child Labor Projects (NCLP) operate in 13 states.²¹⁷² A major activity of the NCLPs has been the establishment of special schools that provide rehabilitation, non-formal education and vocational training, health care, stipends, and nutrition supplements for children withdrawn from hazardous work.²¹⁷³

In 2001, the Government of India and USDOL initiated a USD 40 million ILO-IPEC project aimed at eliminating child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, and Uttar Pradesh. The project will support and strengthen the government's existing national child labor and basic education policies and programs with the aim of withdrawing and preventing thousands of children from engaging in hazardous work. The Government of India will contribute a total of USD 20 million toward the project.²¹⁷⁴ The government's annual budget in 2002 and 2003 for child labor was Rs. 730 million rupees (approximately USD \$16 million).²¹⁷⁵ Under the Grants in Aid Scheme program, the Ministry of Labor provides funding for 54 NGOs to implement projects aimed at providing working children with education and vocational training opportunities.²¹⁷⁶ The government has supported the M.Venkatarangaiya Foundation, an established NGO working on child labor issues in rural India.²¹⁷⁷

²¹⁷⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 19, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²¹⁷¹ ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 9.

²¹⁷² Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 67 No. 150, September 5, 2002, 3. See also Ministry of Labor of the Government of India, *Child Labor*, [online] [cited June 17, 2003].

²¹⁷³ Ministry of Finance of the Government of India, *Economic Survey 2002-2003*; available from <http://www.indiabudget.nic.in/es2002-03/chapt2003/chap106.pdf>. See also Embassy of India, letter, September 5, 2002, 3. An evaluation of the NCLPs found that the schools were successful in terms of enrollment, attendance, nutrition, teacher training and health care, however were deemed unsatisfactory in the areas of providing stipends, mainstreaming, parent teacher interaction, awareness raising, vocational training and school infrastructure. See R. Helen Sekar, *National Child Labor Project Evaluation*, National Resource Center on Child Labor, V.V. Giri National Labor Institute, 3.

²¹⁷⁴ In August 2000, the Indian Ministry of Labor and USDOL signed a Joint Statement agreeing to collaborate on an ILO-IPEC project to prevent and eliminate child labor in 10 hazardous sectors: bidis (a type of small, hand-rolled cigarette), brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. The project is working with the Ministry of Labor's NCLPs and the Ministry of Education's Education for All (SSA) program. See *Joint Statement on Enhanced Indo-U.S. Cooperation on Eliminating Child Labor*, August 31, 2000. See also ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, cover, 3, 6-7, and 43.

²¹⁷⁵ U.S. Embassy India Official, electronic communication to USDOL Official, September 03, 2003. For currency conversion, see FXConverter, in Oanda.com, [online] [cited October 16, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²¹⁷⁶ U.S. Embassy- New Delhi, *unclassified telegram no. 4431*, August 2003. See also U.S. Embassy India Official, electronic communication, September 03, 2003.

²¹⁷⁷ The strategy of the MV Foundation is to work within the government systems and structures to ensure that working children are provided with access to schooling. The Government of India, UNICEF and ILO-IPEC have provided support to the organization. See *M. Venkatarangaiya Foundation*, Asha for Education, [online] [cited October 16, 2003]; available from <http://www.indiannngos.com/mvf/main.html>.

The Government of India has taken a number of steps to improve education and achieve universal enrollment in line with the goals of its National Policy on Education (NPE). The Ministry of Education's Sarva Shiksha Abhiyan (Education for All) Program aims to achieve universal elementary education for all children in India ages 6 to 14 by 2010.²¹⁷⁸ To achieve this, the Ministry is implementing a number of programs including the Education Guarantee Scheme to provide alternative and innovative education for the country's out of school children, including child laborers.²¹⁷⁹ In addition, the government is implementing the District Primary Education Program in 273 districts in 18 states with a focus on classroom construction, non-formal education, teacher hiring and training, and services for girls and vulnerable children. Through its National Program of Nutritional Support to Primary Education, the government provides mid-day lunches, including cooked meals to children to increase enrollment and help improve the nutritional status of children.²¹⁸⁰ The World Bank has supported the government's efforts on improving basic education in particular for girls, working children, and children from disadvantaged backgrounds. Projects have focused on expanding access, improving classroom instruction, increasing community participation and strengthening local and state capacity.²¹⁸¹ Due to critical needs in its education system, the Government of India is receiving intensified support from the World Bank in order to expedite its eligibility for fast track financing for the international Education for All program. The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children throughout the world with a primary school education by the year 2015.²¹⁸²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 11.6 percent of children ages 10 to 14 years in India were working.²¹⁸³ Most of the child labor that exists in India is found in agriculture and the informal sector.²¹⁸⁴ Bonded or forced child labor

²¹⁷⁸ Ministry of Education, *National Policy on Education*, [cited November 2, 2003]; available from <http://www.education.nic.in/htmlweb/natpol.htm>. The SSA program is aimed at covering a total of 192 million children, with a special focus on the needs of girls and vulnerable children. The program takes a community-based approach and works through local groups such as Village Education Committees, Panchayati Raj institutions and women's groups. See Government of India Ministry of Human Resource Development, *Department of Education Annual Report 2002-2003*, New Delhi. See ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, 47. See also Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education, [online] [cited June 19, 2003]; available from http://www.education.nic.in/htmlweb/ssa/ssa_1.htm.

²¹⁷⁹ Ministry of Education of the Government of India, *Education Guarantee Scheme and Alternative and Innovative Education*, [online] [cited June 19, 2003]; available from http://education.nic.in/htmlweb/ssa/ssa_1.htm. See also Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*.

²¹⁸⁰ Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*.

²¹⁸¹ World Bank, *World Bank Support for Education in India*, [online] [cited October 6, 2003]; available from <http://wbln1018.worldbank.org/sar/sa.nsf/a22044d0c4877a3e852567de0052e0fa/3436a2c8a70b8463852567ef0066a42e?OpenDocument>.

²¹⁸² World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

²¹⁸³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Estimates of the number of working children in India vary greatly, and as a result there is 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, September 5, 2002. Approximately 100-150 million children are estimated to be out of school. Due to the high correlation that out of school children have with child labor, many NGOs believe that 44-55 million working children is a more accurate figure. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*. See also USAID India, *USAID Fact Sheet*, March 20, 2000 [cited November 2, 2003]; available from www.usaid.gov/in/whatsnew/pressreleases/potus_child.htm. In 2000, the Chamber of Commerce and Industry estimated child labor in the organized, unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Eradicating Child Labor," *The Hindu*, August 15, 2000.

²¹⁸⁴ U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

is considered widespread²¹⁸⁵ and exists in a number of industries, including the carpet manufacturing industry²¹⁸⁶ and the silk industry.²¹⁸⁷ Children work under hazardous conditions in a number of sectors, such as fireworks, stone quarrying, match, making, silk weaving, lock making, brick manufacturing, and footwear and brassware production.²¹⁸⁸ Children are also found working as domestic servants and living on the streets.²¹⁸⁹

India is a source, destination, and transit country for trafficking of children for the purposes of commercial sexual exploitation and other forms of labor. 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.²¹⁹⁰ Children are also trafficked within India for sexual exploitation and forced and bonded labor.²¹⁹¹ There are reports of the use of child soldiers by armed groups in different regions in India.²¹⁹²

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.²¹⁹³ The NPE of 1986 and the Program of Action of 1992 reemphasized that goal.²¹⁹⁴ As a result of legislation that was passed in December 2002, education for all children ages 6 to 14 is now a constitutionally guaranteed fundamental right.²¹⁹⁵ Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and 4 Union territories.²¹⁹⁶ In 1999, the gross primary enrollment rate was 101.6 percent.²¹⁹⁷ In 1999, 67.9 percent of children who were enrolled in primary school reached grade 5.²¹⁹⁸

²¹⁸⁵ Bonded or forced child labor is a complex problem in India. Despite some measures taken by the government, there are many reports of bonded or forced labor. Bonded or forced child labor in India has been well documented. The U.S. State Department reports the use of forced or indentured child labor in brassware, hand-knotted wool carpets, explosive fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, hand-spun silk thread and hand-loomed silk cloth, hand-made bricks, and bidi cigarettes. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: India*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18311.htm>. For additional sources, see U.S. Department of State, *Trafficking in Persons Report- 2003: India*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. 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). See also South Asian Coalition on Child Servitude, *Child Labor in India*, [online] [cited October 6, 2003]; available from <http://sacssweb.org/in/cli.php3>.

²¹⁸⁶ U.S. Department of State, *Country Reports- 2002: India*.

²¹⁸⁷ Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003, 9. See also U.S. Department of State, *Country Reports- 2002: India*, Section 6c. See also Zama Coursen-Neff, "Meanwhile: For 15 Million in India, a Childhood of Slavery," *The International Herald Tribune*, 2003.

²¹⁸⁸ ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, 6-7.

²¹⁸⁹ U.S. Department of State, *Country Reports- 2002: India*, Section 5.

²¹⁹⁰ U.S. Department of State, *Trafficking in Persons Report: India — 2003*, 60.

²¹⁹¹ *Ibid.*

²¹⁹² Coalition to Stop the Use of Child Soldiers, "Global Report — India," 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

²¹⁹³ *The Constitution of India*, [cited September 8, 2003]; available from <http://indiacode.nic.in/coiweb/coifiles/p04.htm>.

²¹⁹⁴ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, CRC/C/28/Add.10, prepared by the Government of India, pursuant to Article 44 of the Convention on the Rights of the Child, July 7, 1997, para. 221; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.28.Add.10.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument).

²¹⁹⁵ U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

²¹⁹⁶ 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 Labor Study of the Bureau of International Affairs, U.S. Department of Labor, February 25, 1998, 11.

²¹⁹⁷ World Bank, *World Development Indicators 2003*. The government estimates that approximately 20 percent of children ages 6 to 14 do not attend school. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

²¹⁹⁸ World Bank, *World Development Indicators 2003*. The most current government figures for drop-out rate are from 1998 when a 54 percent drop-out rate was reported for grades one to eight. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

Child Labor Laws and Enforcement

India does not have a national minimum age for employment.²¹⁹⁹ However, the Child Labor-Prohibition and Regulation Act of 1986 prohibits the employment of children under the age of 14 in 13 occupations and 57 processes and places restrictions on children's work hours in all other sectors.²²⁰⁰ 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.²²⁰¹ The Penal Code and the Immoral Traffic (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a child is imprisonment for 7 years to life.²²⁰² As a member state of the South Asian Association for Regional Cooperation, India signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.²²⁰³ Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976. Under the Act, allegations of bonded labor and child bonded labor are investigated by Vigilance Committees. In addition, the National Human Rights Commission has the authority to investigate complaints on child labor and bonded labor.²²⁰⁴ In 2000, the Government of India issued a notification banning government employees from using child domestic workers.²²⁰⁵

There were no new national or judicial efforts in 2003 to strengthen or enforce existing child labor laws and regulations.²²⁰⁶ 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.²²⁰⁷

The Government of India has not ratified ILO Convention 138 or ILO Convention 182.²²⁰⁸

²¹⁹⁹ U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

²²⁰⁰ The Act restricts employment by establishing a limit of a six-hour workday for children, including a one-hour mandatory rest interval after three hours of labor; prohibits overtime and work between the hours of 7 p.m. and 8 a.m.; and requires that children be given one full day off per week. Government of India, *Child Labor- Prohibition and Regulation Act 1986*, Part II, Part III, 7 and 8 and The Schedule, Parts A and B; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 68 No. 125, September 24, 2003. See also Embassy of India, *Child Labor and India*, [online] [cited June 19, 2003]; available from http://www.indianembassy.org/policy/child_labor/childlabor.htm.

²²⁰¹ Embassy of India, letter, September 5, 2002, 4.

²²⁰² *Ibid.*, 6-7.

²²⁰³ See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit held in Kathmandu*, press release, January 9, 2002, [hard copy on file].

²²⁰⁴ Embassy of India, *Child Labor and India*.

²²⁰⁵ U.S. Department of State, *Country Reports- 2002: India*.

²²⁰⁶ U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

²²⁰⁷ U.S. Department of State, *Country Reports- 2002: India*, Section 6d.

²²⁰⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.²²⁰⁹ 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 2002.²²¹⁰ The committee is tasked with creating national child labor policies, establishing priorities, and coordinating programs.²²¹¹ The National Program of Action lists the worst forms of child labor in Indonesia and outlines a process to eradicate them.²²¹² The Ministry of Manpower established a Directorate for Women and Child Workers in November 2002 that has oversight of all child labor issues.²²¹³ In December 2002 President Megawati signed two additional national action plans related to children, one on the trafficking of women and children, and another focusing on the commercial sexual exploitation of children.²²¹⁴ In July 2003 the government initiated a national campaign against commercial sexual exploitation of children, focusing on the link to tourism.²²¹⁵

In 2002, The Government of Indonesia committed to participate in a USDOL supported ILO-IPEC Timebound Program to progressively eliminate the worst forms of child labor.²²¹⁶ USDOL continues to support two additional ILO-IPEC projects in Indonesia to combat child labor in the fishing and footwear industries.²²¹⁷ 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.²²¹⁸

The World Bank has six active education projects in Indonesia that aim to improve the quality of basic education and junior secondary education.²²¹⁹ The World Bank also funds the Urban Poverty Project in selected areas of

²²⁰⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 30, 2003]; available from http://www.ilo.org/public/english/standards/ipe/about/countries/t_country.htm.

²²¹⁰ Ambassador Soemadi D.M. Brotodiningrat, letter to USDOL official, September 6, 2002, 1.

²²¹¹ The committee was established by Presidential Decree No. 12, 2001, and the action plan established under Presidential Decree No. 59, 2002. See *Ibid.* Committees are also being set up at the provincial level. By August 2003, committees had been established in N. Sumatra, E. Java, W. Java and W. Kalimantan. All 30 provinces have established non-governmental local Child Protection Agencies at the district level. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*, August 19, 2003.

²²¹² Thirteen worst forms of child labor are listed, including commercial sexual exploitation, mining, work on *jermals* (offshore fishing platforms), scavenging, domestic work, and the use of children in work involving hazardous chemicals. See Government of Indonesia, *The National Plan of Action for the Elimination of the Worst Forms of Child Labor*, August 13, 2002, 4 and 5.

²²¹³ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²¹⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Indonesia*, Washington, D.C., March 31, 2003, Sections 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18245.htm>. 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. See U.S. Department of State, *Trafficking in Persons Report- 2002: Indonesia*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

²²¹⁵ U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²¹⁶ Embassy of the Republic of Indonesia Deputy Chief of Mission, Indonesian Efforts to Eliminate the Worst Forms of Child Labor, letter to USDOL official, August 1, 2003.

²²¹⁷ Initial phases of each project were funded in 1999. See ILO-IPEC, *Programme to Combat Child Labor in the Footwear Sector in Southeast Asia (Phase 1)*, RAS/99/05/060, Geneva, 1999. See also ILO-IPEC, *Programme to Combat Child Labor in the Footwear Industry (Phase 1)*, 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.

²²¹⁸ U.S. Embassy- Jakarta, *unclassified telegram no. 0649*, February 25, 2002.

²²¹⁹ 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). See World Bank, *Spreadsheet on Active Education Projects in Indonesia*, [online] [cited July 2, 2003]; available from <http://www.worldbank.org>.

Indonesia, which includes the provision of grants to communities or local governments for projects to improve education, among other goals.²²²⁰ AusAID supports government efforts to improve school quality, promote universal access to schooling, and strengthen the links between schooling and employment.²²²¹ The ADB supports two projects undertaking decentralization of education, one focusing on basic education in 21 districts in three provinces,²²²² and the other aiming to assess overall decentralization with a focus on technical and vocational education, girls' education, and open schooling for dropouts.²²²³ An ADB grant also targets the basic education of disadvantaged children and those living in the remote areas of the Nusa Tenggara Barat province.²²²⁴

USAID funded a pilot project to construct schools in areas of the Maluku affected by conflict,²²²⁵ and UNICEF works to support schools and in parts of Aceh and the Maluku to address the effects of the civil conflict.²²²⁶ Beginning with the 1998-1999 school year, the World Bank, the ABD, 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 economic crisis in school.²²²⁷

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 7.5 percent of children ages 10 to 14 years in Indonesia were working.²²²⁸ 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.²²²⁹ In addition to being exploited as prostitutes, children are used in the

²²²⁰ World Bank, *Indonesia - Urban Poverty Project (02)*, project document, IDPE72852, May 28, 2002.

²²²¹ AusAID, *Country Brief Indonesia*, [online] [cited July 2, 2003]; available from <http://www.ausaid.gov.au/country/default.cfm>.

²²²² ADB, *Decentralized Basic Education*, (LOAN: INO 31137-01), [online] January 27, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/31137013.ASP>.

²²²³ ADB, *Decentralized Education*, (PPTA: INO 33409-01), [online] June 14, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/PPTA/33409012.ASP>.

²²²⁴ ADB, *Community Based Basic Education for the Poor*, (Grant: INO 35178-01), [online] August 15, 2002 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/GRNT/35178012.ASP>. In addition, the ADB is currently providing technical assistance through the National Development Planning Agency to review Indonesia's social protection services and develop a policy framework. See ADB, *Sustainable Social Protection*, (PPTA: INO 35140-01), [online] June 14, 2003 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/PPTA/35140012.ASP>.

²²²⁵ USAID, *USAID Assistance to Indonesia*, Jakarta, [cited August 22, 2002]; available from www.usaid.gov/id/overview032002.pdf.

²²²⁶ UNICEF provides education supplies nationwide, and conducts primary school assessments to determine schooling needs. See UNICEF, *UNICEF Humanitarian Action Donor Update - Indonesia*, May 29, 2002, 2; available from <http://www.unicef.org/emerg/Country/Indonesia/020529.PDF>.

²²²⁷ WARTA Central Independent Monitoring Unit (CIMU), *Special Issue: History and Overview of the Scholarships and Grants Program*, September 2000; available from http://www.cimu.or.id/full_text_reports/Cimu-SpIssue1-Engl.pdf. Almost 4 million scholarships were distributed, and 132,000 schools received block grants; the dropout rate for scholarship recipients was only 2 percent. In November 2002, additional funds were made available by the Government of the Netherlands to support the project, focusing in part on improving quality in poor schools. See World Bank, *Indonesia: Country Brief*, World Bank, Jakarta, November 27, 2002, 3-4; available from [http://lnweb18.worldbank.org/eap/eap.nsf/Attachments/IndBrief/\\$File/IndonesiaBrief.pdf](http://lnweb18.worldbank.org/eap/eap.nsf/Attachments/IndBrief/$File/IndonesiaBrief.pdf). 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; available from <http://econ.worldbank.org/view.php?type=5&id=13160>.

²²²⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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, 20.

²²²⁹ Government of Indonesia and UNICEF, *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000*, Jakarta, 2000, vi.

production of pornography, and are the victims of sex tourists.²²³⁰ Children are also engaged in the production, trafficking, and/or sale of drugs, such as methamphetamines.²²³¹ In North Sumatra, boys work on fishing platforms called jermals for 12 to 13 hours per day, often in dangerous conditions.²²³² 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.²²³³ Trafficking is a problem in Indonesia. Children are trafficked both within Indonesia and to international locations, and girls are trafficked internationally into arranged marriages.²²³⁴

Children work in commercial agriculture on tea, chocolate, rubber, and coffee farms.²²³⁵ They also work in various industries, including the rattan and wood furniture, garments, footwear, food processing, toy-making, fishing, construction and small-scale mining sectors.²²³⁶ Other children work in the informal sector selling newspapers, shining shoes, scavenging, begging, trafficking drugs, engaging in commercial sexual exploitation, working as domestic servants, and working beside their parents in family businesses or cottage industries.²²³⁷

Law No. 20 of 2003 on National Education provides for free, compulsory, basic education for children ages 7 through 15.²²³⁸ However, education is not free in Indonesia. Families often must cover the cost of tuition, uniforms, supplies, and fees for parent-teacher associations.²²³⁹ Schools, particularly middle and high schools, are often far from home, and the language of instruction often differs from the language spoken at home.²²⁴⁰ Access to education for children in conflict areas was also restricted by school burnings.²²⁴¹ In 2000, the gross primary enrollment rate was 110.0 percent. The net primary enrollment rate was 92.2 percent, with 91.6 percent of girls

²²³⁰ ECPAT International, *Indonesia*, ECPAT International, [database online] [cited June 6, 2003]; available from <http://www.ecpat.org/>. The government estimates that 49,500 children are engaged in commercial sexual exploitation. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 5.

²²³¹ 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.

²²³² ILO-IPEC, *Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)*, RAS/99/05/050, Geneva, 1999, 2-3. The number has been declining in recent years. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 6c.

²²³³ 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 government forces. Coalition to Stop the Use of Child Soldiers, "Indonesia," in *Global Report 2001* London, 2003; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/be348f024b045c8680256b1e003d268d?OpenDocument>.

²²³⁴ U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 6f.

²²³⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000; available from http://www2.unesco.org/wef/countryreports/indonesia/rapport_1.htm.

²²³⁶ U.S. Department of State, *Country Reports- 2002: Indonesia*, Sections 5, 6c and d.

²²³⁷ Government of Indonesia, *The National Plan of Action*, 1.

²²³⁸ While the government does provide some scholarships for poor children, as of 2003 the nine years of compulsory education are not fully funded. The government has also initiated pilot activities on EFA in two provinces. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*. The UN estimates that up to a quarter of all Indonesian children are educated in Islamic schools. See Katarina Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski, Special Rapporteur, in accordance with Commission resolution 2002/23: Addendum, Mission to Indonesia, 1-7 July 2002*, UN Document E/CN.4/2003/9/Add.1, 59th Session, Item 10 of the Commission on Human Rights, Geneva, October 18, 2002, Point 18.

²²³⁹ Stalker, *Beyond Krismon*, 19.

²²⁴⁰ Tomasevski, *The Right to Education: Report submitted by Katarina Tomasevski*, Point 23.

²²⁴¹ Many children in the conflict zones cannot attend school because the schools were destroyed and their teachers fled. See UNICEF *UNICEF Humanitarian Action Donor Update*. UNICEF reported that 425 schools were burned in Aceh in May 2003 alone. See Human Rights Watch, *Aceh Under Martial Law: Human Rights Under Fire*, Human Rights Watch Briefing Paper, June 2003, Section 2; available from <http://hrw.org/backgrounders/asia/aceh060503bck.htm>.

enrolled as opposed to 92.7 percent of boys. In 1999, 96.6 percent of children enrolled in primary school reached grade 5.²²⁴² There is a much higher rate of completion of lower secondary school among youths from urban areas as compared to rural areas, and the likelihood of dropout is much higher for children from rural areas.²²⁴³ 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.²²⁴⁴ 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.²²⁴⁵

Child Labor Laws and Enforcement

President Megawati signed the National Child Protection Act into law on October 22, 2002. The law provides a strong legal basis for protecting children under age 18 from a variety of abuses. The Act specifically addresses economic and sexual exploitation of children, including child prostitution, child trafficking, and the involvement of children in narcotics distribution and production, and in armed conflict.²²⁴⁶ Under Article 78 of the Act, persons who expose children to such hazardous activities are liable to terms of up to 5 years imprisonment and/or a possible maximum fine of 100 million rupiah (USD 11,875). Articles 81 – 83 provide that persons who engage a child in commercial sexual exploitation or traffic a child could face stiff prison sentences and fines ranging from 60 million to 300 million rupiah (USD 7,125 – 35,623). Persons involving children in various forms of armed conflict are subject to imprisonment under Article 87 for up to 5 years and/or a fine of 200 million rupiah (USD 23,749). Persons economically or sexually exploiting children can be imprisoned for up to 10 years according to Article 88, or face fines of up to 200 million rupiah (USD 23,749). Per Article 89, those involving children in the production or distribution of narcotics face prison terms of 5 years to life or the death penalty, and fines of between 50 million and 500 million rupiah (USD 5,937 – 59,371).²²⁴⁷

In April 1999, the Indonesian government established the minimum age for employment at 15 years.²²⁴⁸ Act No. 13 of 2003 on Manpower Development and Protection limits children aged 13 to 15 to a maximum of 3 hours of light work per day, prohibits the employment of children in the worst forms of child labor and specifies those forms. Those employing children in the worst forms of child labor face imprisonment for 2 to 5 years.²²⁴⁹ 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.²²⁵⁰ The Penal Code makes it illegal for anyone exercising legal

²²⁴² World Bank, *World Development Indicators* 2003.

²²⁴³ Sulistinah Achmad and Peter Xenos, "Notes on Youth and Education in Indonesia," *East-West Center Working Papers: Population Series* No. 108-18 (November 2001), 8-9, 11.

²²⁴⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²²⁴⁵ Stalker, *Beyond Krismon*, 19.

²²⁴⁶ Government of Indonesia, *Law No. 23 Year 2002 on Child Protection*, Articles 59-63; available from http://www.ri.go.id/produk_uu/uu-2002.htm.

²²⁴⁷ Article 89 also applies a lesser sentence to persons involving children in the production or distribution of alcohol or other addictive substances. See *Ibid.*, Articles 1, 78, 80-85, 87-89. Currency conversions by FXConverter, in Oanda.com, [online] [cited September 10, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁴⁸ U.S. Embassy– Jakarta, *unclassified telegram no. 4679*, September 2000.

²²⁴⁹ U.S. Embassy– Jakarta, *unclassified telegram no. 9517*. The Act specifies as worst forms all types of slavery, commercial sexual exploitation of children, the use of children in pornography or gambling, work in the production or trade of drugs, and any work that harms the health, safety or morals of children. See Deputy Chief of Mission, letter to USDOL official, August 1, 2003.

²²⁵⁰ The Ministry of Home Affairs and Regional Autonomy is tasked with oversight. See Government of Indonesia, *Control of Child Workers Decree of the Minister of Home Affairs and Regional Autonomy, 1991*, No. 5 of 2001, (January 8, 2001); available from <http://natlex.ilo.org>.

custody of a child under 12 to provide that child to another person, knowing that the child is going to be used for the purposes of begging, harmful work, or work that affects the child's health. The Code imposes a maximum sentence of 4 years imprisonment for violations of this kind.²²⁵¹

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.²²⁵² The Penal Code also prohibits trafficking of women and younger boys, with a maximum penalty of six years imprisonment for violations.²²⁵³ The Law on National Defense of 1982 sets the minimum age for voluntary recruitment into the armed forces at 18 years.²²⁵⁴

Due in part to a lack of resources, corruption, and weak law enforcement, the government does not enforce child labor laws in an effective or thorough manner.²²⁵⁵

The Government of Indonesia ratified ILO Convention 138 on June 7, 1999 and ILO Convention 182 on March 28, 2000.²²⁵⁶

²²⁵¹ Government of Indonesia, *Penal Code*, Article 301; available from <http://209.190.246.239/protectionproject/statutesPDF/IndonesiaF.pdf>.

²²⁵² Ibid., Articles 289-90. However, the U.S. State Department reported that some corrupt civil servants issued false ID cards to underage girls, thereby facilitating entry into commercial sexual exploitation. See U.S. Department of State, *Country Reports- 2002: Indonesia*, Section 5.

²²⁵³ *Penal Code*, Article 297.

²²⁵⁴ Coalition to Stop the Use of Child Soldiers, "Child Soldiers 1379 Report," 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

²²⁵⁵ The number of labor inspectors has reportedly decreased in recent years due to decentralization. See U.S. Embassy- Jakarta, *unclassified telegram no. 9517*.

²²⁵⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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. The government has also been participating in a three-year USDOL-funded ILO-IPEC national program to collect baseline information on the extent of child labor in the country, conduct capacity-building and advocacy activities, and to provide a range of services to address the problem of child labor in commercial sexual exploitation, fishing, tourism, and informal urban sectors.²²⁵⁷ This project also funded a national child labor survey conducted by the Statistical Institute of Jamaica (STATIN) with technical assistance from ILO-IPEC's SIMPOC.²²⁵⁸

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.²²⁵⁹ Government programs for children evolving from this Plan of Action and relating to children are coordinated and monitored by the Child Support Unit within the Ministry of Health.²²⁶⁰ For instance, the Child Support Unit commissioned a National Survey of Street and Working Children, which was published in March 2002.²²⁶¹

In 2001, the government initiated the Possibilities Program, which provides care, resocialization, and skills training for street children.²²⁶² 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 was reported that the effectiveness of some support 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.²²⁶³

The Ministry of Education has instituted a cost-sharing program to help parents pay school fees at the secondary level.²²⁶⁴ In 2001, the government and the World Bank began implementation of a Social Safety Net Program, which includes a child assistance component that provides grants to at-risk families in order to keep children in school.²²⁶⁵ The IDB and USAID are funding programs to improve the quality of primary education, and another World Bank initiative is focusing on reforms to secondary education.²²⁶⁶

²²⁵⁷ This program is scheduled to end in 2004. See ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jamaica and SIMPOC Survey*, project document, JAM/P50/USA, Geneva, June 2001, 1, 7, 13, 17, 19. See also ILO-IPEC, *Project Revision Form, National Program for the Prevention and Elimination of Child Labor in Jamaica*, Geneva, February 14 2003.

²²⁵⁸ ILO-IPEC, *National Programme Jamaica*, project document, Annex 1.

²²⁵⁹ Ibid., 11.

²²⁶⁰ UN Committee on the Rights of the Child, *Second Periodic Report of States parties due in 1998*, CRC/C/70/Add.15, prepared by Government of Jamaica, pursuant to Article 44 of the Convention on the Rights of the Child, May 2000, para. 25; available from <http://www.unhchr.ch/tbs/doc.nsf/Documents?OpenFrameSet>.

²²⁶¹ U.S. Embassy- Kingston, *unclassified telegram no. 2048*, July 2003. See also Ruel Cooke, *National Survey of Street and Working Children*, Kingston, March 2002.

²²⁶² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Jamaica*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18337.htm>.

²²⁶³ U.S. Embassy- Kingston, *unclassified telegram no. 1622*, June 2000.

²²⁶⁴ U.S. Embassy- Kingston, *unclassified telegram no. 2589*, October 2001.

²²⁶⁵ World Bank, *Project Appraisal Document to Jamaica for a Social Safety Net Program*, August 9, 2001, 10; available from <http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/09/01/00009494601081704011663/Rendered/PDF/multi0page.pdf>.

²²⁶⁶ Ibid., 6. See also World Bank, *Project Information Document, Reform of Secondary Education Project*, October, 2002; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071589>.

Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Jamaica are unavailable.²²⁶⁷ Child labor is largely urban based, the result of high levels of poverty, and the lack of family income.²²⁶⁸ While child labor is not reported to be a significant problem in Jamaica's formal industrial sector,²²⁶⁹ children are found working in informal activities, notably those in the fishing, agriculture, and tourism sectors.²²⁷⁰ Children live and work on the streets²²⁷¹ and are involved in such activities as newspaper delivery, street vending, cart pushing, and work on cargo and tourist shipping wharves. Children also work as shop assistants in carpentry and mechanic shops and domestic servants.²²⁷² In tourist towns, children are reported to work in kitchens, hotels, and recreational and cultural activities.²²⁷³ In some villages, children catch, scale, and gut fish.²²⁷⁴ In agriculture, children work on family farms and in the cultivation and harvesting of marijuana.²²⁷⁵

A 2001 study funded by ILO-IPEC found that children as young as 10 years old work as prostitutes, catering to tourists in areas,²²⁷⁶ while other young girls are hired by "go-go" clubs or massage parlors.²²⁷⁷

Under the Education Act, school is compulsory for children from the ages of 6 to 12 years.²²⁷⁸ In 2000, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 94.9 percent.²²⁷⁹ In spite of high enrollment rates, many Jamaican children (between 19 and 25 percent) fail to attend primary school regularly.²²⁸⁰ Some families keep their children home because they cannot afford to pay school expenses.²²⁸¹ Although schooling is free at the primary level, reports indicate that some local schools and parent teacher organizations still collect fees.²²⁸² Other reports attribute low school attendance to the lack of relevant curricula,

²²⁶⁷ 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. Although it is dated, this statistic provides the best available estimate on the number of children working. See ILO-IPEC, *National Programme Jamaica, project document*, 7.

²²⁶⁸ Government of Jamaica, *End Decade Assessment of World Summit for Children Year 2000 Goals, National Report: Jamaica*, UNICEF, New York, November 2000, 51 [cited June 9, 2003]; available from http://www.unicef.org/specialsession/how_country/edr_jamaica_en.PDF

²²⁶⁹ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

²²⁷⁰ ILO-IPEC, *National Programme Jamaica, project document*, 7,8.

²²⁷¹ Government of Jamaica, *End Decade Assessment of Year 2000 Goals: Jamaica*.

²²⁷² ILO-IPEC, *National Programme Jamaica, project document*, 7-8.

²²⁷³ Ibid.

²²⁷⁴ Claudette Richardson-Pious, interview with USDOL official, July 2000.

²²⁷⁵ ILO-IPEC, *National Programme Jamaica, project document*, 7.

²²⁷⁶ ILO-IPEC, *Situation of Children in Prostitution: A Rapid Assessment*, Geneva, November 2001, 13. ECPAT International notes that Montego Bay, Kingston, and Negril are areas with a high incidence of child prostitution. See also ECPAT International, *Jamaica*, in ECPAT International, [database online] 2003 [cited June 9, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

²²⁷⁷ ILO-IPEC, *Situation of Children in Prostitution*, 13. See also ECPAT International, *Ecpat Database*.

²²⁷⁸ UNESCO, *Index of Education Systems: Jamaica*, UNESCO, [cited June 9, 2003]; available from <http://www.unesco.org/iau/cd-data/jm.rtf>. See also U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 5.

²²⁷⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²²⁸⁰ UNICEF, *Changing the Future for Jamaica's Children*, Kingston, August 1999, 5.

²²⁸¹ 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.

²²⁸² U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

the lack of space in schools (especially at the secondary level), and the low quality of instruction.²²⁸³ Absenteeism is reported to be particularly high on Fridays, as children often leave school in order to work.²²⁸⁴

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.²²⁸⁵ 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.²²⁸⁶ Children under 16 are prohibited from night work and from begging.²²⁸⁷ Forced labor is not specifically banned.²²⁸⁸ The Criminal Code prohibits procuring a girl under 18 years of age for the purposes of prostitution, and while there is not comprehensive law against trafficking in persons, the Criminal Code prohibits procuring a woman or girl to leave the island for work in prostitution.²²⁸⁹ Assault, immigration, or customs laws may also be applied to prosecute cases of child trafficking.²²⁹⁰

Inspectors at the Ministry of Labor are responsible for enforcing child labor laws, and representatives from the Children's Services Division, and other government agencies and programs, have the authority to intervene in order to refer working children to counseling or support services.²²⁹¹ Under the Juveniles Act, child labor violators can be subject to a fine of JMD 50 (USD 1) or 3 months imprisonment.²²⁹² Enforcement of child labor laws in the informal sector is reported to be inconsistent.²²⁹³ There are approximately 30 labor and occupational safety and health inspectors nationwide.²²⁹⁴

²²⁸³ ILO-IPEC, *National Programme Jamaica*, project document, 9-11. See also UNICEF, *Changing the Future*, 6.

²²⁸⁴ Claudette Richardson-Pious, interview by USDOL official, May 20, 2003.

²²⁸⁵ *Juveniles Act of 1951*, Part 8, Section 71.

²²⁸⁶ *Ibid.*, Part 8, Section 72. Industrial activities prohibited for children under 15 include mines, quarries, breweries, shipbuilding, and factories. See 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.

²²⁸⁷ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

²²⁸⁸ U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 6d.

²²⁸⁹ *Criminal Code*, [database online], Articles 45, 58 (a), (c); available from <http://209.190.246.239/protectionproject/statutesPDF/Jamaica-final.pdf>. See also Interpol, *Legislation of Interpol member states on sexual offences against children - Jamaica*, [database online] 2003 [cited June 5, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaJamaica.asp>.

²²⁹⁰ There are no confirmed reports of international trafficking in children, to or from Jamaica. See U.S. Department of State, *Country Reports- 2002: Jamaica*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Jamaica*, Washington, D.C., June 11 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²²⁹¹ UN Committee on the Rights of the Child, *Second Periodic Report of States parties due in 1998*, CRC/C/70/Add.15, prepared by Government of Jamaica, pursuant to Article 44 of the Convention on the Rights of the Child, May 2000, para. 285; available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>.

²²⁹² U.S. Embassy- Kingston, *unclassified telegram no. 2589*. For currency conversion see FXConverter, in Oanda.com, [online] [cited June 9, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²²⁹³ U.S. Embassy- Kingston, *unclassified telegram no. 2589*.

²²⁹⁴ Alvin McIntosh, Permanent Secretary, Ministry of Labor and Social Security, Government of Jamaica, interview with USDOL official, May 20, 2003.

Acts of prostitution that involve girls under the age of 18 are punishable by up to 3 years imprisonment.²²⁹⁵ 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.²²⁹⁶

The Government of Jamaica ratified ILO Convention 138 and ILO Convention 182 on October 13, 2003.²²⁹⁷

²²⁹⁵ *Criminal Code*, Article 58.

²²⁹⁶ U.S. Embassy- Kingston, *unclassified telegram no. 2907*, October 2002.

²²⁹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 3, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Jordan has been a member of ILO-IPEC since 2000.²²⁹⁸ Queen Noor established the National Task Force for Children (NTFC) in 1995. The NTFC conducted its first national study on child labor in 1997.²²⁹⁹ The Ministry of Labor (MOL) initiated an ILO-IPEC Action Program in January 2001. As a result, the Child Labor 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.²³⁰⁰ In 2000, Queen Rania²³⁰¹ opened Dar al-Aman, a child protection center designed to shelter children ages 6 to 12 who have suffered from neglect and abuse, including children who have been forced to drop out of school and enter the workforce.²³⁰² The Ministry of Social Development established a committee to address the problem of child vendors. This government body is empowered to withdraw children from the streets, return them to their families or juvenile centers, and provide families with stipends.²³⁰³ The MOL has also implemented a policy whereby the adult relatives of any child laborer withdrawn from work may be offered vocational training.²³⁰⁴ With support from UNESCO and the ILO, the government is also implementing a project intended to inform government officials and educators of children's rights.²³⁰⁵ In 2002, USDOL funded an ILO-IPEC national program in Jordan.²³⁰⁶ The Jordanian Women's Federation (JWF) and the UN Relief and Works Agency (UNRWA) launched a pilot project in the Baqa refugee camp to reach street children who had abandoned their education by engaging them in educational games and computer-generated activities.²³⁰⁷ In October 2003, the Information Research Centre (IRC) sponsored a 3-day conference for regional experts to collaborate on action plans to combat child labor.²³⁰⁸

The government has placed a strong emphasis on providing education for all. A 10-year education reform program was initiated in 1987. Two subsequent Human Resources Development Sector Investment programs were financed by the government, World Bank, Government of Japan, and other technical agencies. An Education

²²⁹⁸ ILO-IPEC, *All About IPEC: Programme Countries*, ILO-IPEC, [online] [cited June 13, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²²⁹⁹ ILO-IPEC, *National Programme for the Prevention and Elimination of Child Labour in Jordan*, project document, Geneva, September 2002, 7. See also H.M. Queen Noor, *National Task Force for Children*, [online] 2002 [cited June 19, 2003]; available from <http://www.noor.gov.jo/main/ntfc.htm>.

²³⁰⁰ Implementation of the national strategy is scheduled for 2004. See ILO-IPEC, *National Program in Jordan—project document*, 24–25. See also U.S. Embassy–Amman, *unclassified telegram no. 5763*, September 9, 2003.

²³⁰¹ Queen Rania is the wife of King Abdullah II, who ascended to the throne at the death of his father, King Hussein, in 1999. Queen Noor was King Hussein's wife and still carries the title of Queen. See Jeffrey Goldberg, "Learning How To Be King," *New York Times* (New York), February 6, 2000, Section 6; available from <http://www.mtholyoke.edu/courses/mjijad/abdulart.html>.

²³⁰² The center works closely with the Ministry of Social Development and the Public Security Directorate. H.M. Queen Rania Al-Abdullah, *Dar Al-Aman Center*, Queen Rania website, [online] [cited June 19, 2003]; available from <http://209.41.172.238/initiatives/daralaman.cfm>.

²³⁰³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Jordan*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18279.htm>.

²³⁰⁴ U.S. Embassy–Amman, *unclassified telegram no. 5763*.

²³⁰⁵ Ibid.

²³⁰⁶ The program aims to withdraw child workers from the worst forms of child labor; mainstream them into non-formal and formal education programs; provide them with pre-vocational and vocational training; and support them with counseling, health care, and recreational activities. See ILO-IPEC, *National Program in Jordan—project document*, 26–27.

²³⁰⁷ Mahmoud Al Abed, "Child-to-Child Working to End School Dropouts", [online], March 2, 2003 [cited May 20, 2003]; available from http://www.amanjordan.org/english/daily_news/wmprint.php?ArtID=1049.

²³⁰⁸ Child labor experts from Morocco, Sudan, Palestine, Egypt, Lebanon and Jordan were in attendance. See Dalya Dajani, "Experts Begin Deliberations on Action Plans to Combat Child Labour," *The Jordan Times* (Amman), October 6, 2003; available from <http://www.jordantimes.com>.

Plan of Jordan was implemented from 1988 to 1995 and was funded by the government, World Bank, Government of Japan, USAID, and the Department for International Development.²³⁰⁹ The second Education Development Plan ran from 1996 to 1999, and the third ran from 1999 through 2003. Progress in literacy, enrollment, and numbers of students and teachers has been made throughout the course of these three plans.²³¹⁰ More recently, the government has recognized the link between the lack of education and child labor. The Ministry of Education has taken steps to address child labor issues in its 2003–2015 Educational Development Plan.²³¹¹ The government also provides school fee reductions and supplements transportation costs for disadvantaged families.²³¹²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that less than one percent of children ages 10 to 14 years in Jordan were working.²³¹³ 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.²³¹⁴ An MOL study, published in 2002, stated that children are employed in automobile repair, carpentry, sales, blacksmith shops, tailoring, construction, and food services.²³¹⁵ 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.²³¹⁶ A 2001 study by the MOL found that working children are primarily concentrated in Amman, Zarqa, Balqa and Irbid.²³¹⁷ Another study of working children in Irbid found that children who work often grow up shorter and leaner than others in the same age group and remain smaller through adulthood. The study also found that many working children had been victims of physical, verbal, and sexual abuse in the workplace and had been exposed to hazardous chemicals and dangerous working conditions.²³¹⁸

Education in Jordan is free and compulsory for children ages 6 to 17 years.²³¹⁹ The Ministry of Education is required to open a school in every community where there are at least 10 students for grades 1 through 4.²³²⁰ In 1999, the gross primary enrollment rate was 100.8 percent and the net primary enrollment rate was 93.6 percent.²³²¹ Primary school attendance rates are unavailable for Jordan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³²² Drop-out rates are

²³⁰⁹ ILO-IPEC, *National Program in Jordan—project document*, 3.

²³¹⁰ *Ibid.*, 3–4.

²³¹¹ *Ibid.*, 7.

²³¹² U.S. Department of State, *Country Reports- 2002: Jordan*, Section 5.

²³¹³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²³¹⁴ Mohammed Shahateet and Nihaya Issa Dabdub, *A Report on the Status of Child Labour in Jordan-2001*, The Jordanian Ministry of Labor, Amman, July 2002, 10.

²³¹⁵ *Ibid.*, 15–16.

²³¹⁶ U.S. Department of State, *Country Reports- 2002: Jordan*, Section 5.

²³¹⁷ Dr. Mohammed Shahateet and Nihaya Issa Dabdub, *Estimating Child Labour in Jordan: 1991-2005*, The Jordanian Ministry of Labor, Amman, October 2002, 11.

²³¹⁸ Dr. Muntaha Gharaibeh and Dr. Shirley Hoeman, “Health Hazards and Risks for Abuse among Child Labor in Jordan,” *Journal of Pediatric Nursing* 18 no. 2 (April 2003), 140–47.

²³¹⁹ Article 10 of the Education Act No. 3 of 1994 states that basic education is free and compulsory for Jordanian children. Basic education extends from first through the end of tenth grade. See UN Committee on the Rights of the Child, *Periodic Reports of States Parties due in 1998 (Addendum)*, CRC/C/70/Add.4, prepared by Government of Jordan, pursuant to Article 44 of the Convention on the Rights of the Child, September 17, 1999, Articles 28 and 29, para. 91; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a06f687951c4fc1080256846003b7763?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a06f687951c4fc1080256846003b7763?Opendocument).

²³²⁰ ILO-IPEC, *National Program in Jordan—project document*, 5.

²³²¹ In 1999, the gross primary enrollment rate was 101 percent for girls and 100.6 percent for boys, while the net primary enrollment rate was 93.9 for girls and 93.2 for boys. See World Bank, *World Development Indicators 2003*.

²³²² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

relatively high, particularly in rural areas after children reach the age of 13 years.²³²³ The primary reasons for dropping out of school are financial pressures, poverty, disability, poor performance, teaching styles, parental attitudes, and lack of adequate transportation.²³²⁴ The 2001 MOL study indicated that most of the child workers interviewed had completed at least nine years of education or more.²³²⁵

Child Labor Laws and Enforcement

In 1996, the Labor Code was amended to raise the minimum legal working age from 13 to 16 years.²³²⁶ In February 2003, the government raised the minimum age for employment of children in dangerous and hazardous work from 17 to 18 years.²³²⁷ Minors must be given a break after four hours work, are not allowed to work more than six hours per day, and may not work during weekends and holidays, or at night.²³²⁸ Before hiring a minor, a prospective employer must obtain a guardian's written approval, the minor's birth certificate, and a health certificate.²³²⁹ 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.²³³⁰ Compulsory labor is prohibited by the Constitution of Jordan.²³³¹ While the law does not specifically prohibit forced or bonded labor by children, such practices are not known to occur.²³³² A 1926 law specifically prohibits trafficking in children, and there is no indication that children were trafficked, to, from, or within the country.²³³³

The CLU of the MOL is primarily responsible for monitoring child labor, collecting and analyzing data, and reviewing and ensuring the enforcement of existing legislation.²³³⁴ There are over 80 labor inspectors in the country, many of whom have received training on issues of child labor. In 2002, approximately 3,000 child labor allegations were investigated by MOL inspectors and none of these cases resulted in sanctions against the employers.²³³⁵

The Government of Jordan ratified ILO Convention 138 on March 23, 1998 and ILO Convention 182 on April 20, 2000.²³³⁶

²³²³ For the 1999–2000 school year, the primary school (Grades 1–5) completion rate was 87 percent. Completion rates worsen at subsequent grade levels, decreasing to 79 percent at Grade 10, 75 percent at Grade 11, and 62 percent at Grade 12. See ILO-IPEC, *National Program in Jordan—project document*, 6.

²³²⁴ Ibid., 6, 12 and 13. These reasons are based on two studies. One was conducted in 1995 and the other in 2001.

²³²⁵ This study was based on 2,539 working children. See Mohammed Shahateet and Nihaya Issa Dabdub, *Child Labour Report-2001*, 9 and 23.

²³²⁶ *Labour Code, Law No. 8 of 1996*, Section 73; available from <http://natlex.ilo.org/txt/E96JOR01.htm>.

See also U.S. Embassy–Amman, *unclassified telegram no. 3340*, June 2000.

²³²⁷ U.S. Embassy–Amman, *unclassified telegram no. 5763*.

²³²⁸ *Labour Code of 1996*, Section 75. The Code does not specify the age of a minor. Young people are defined as individuals of either sex who have not yet reached 18 years of age. 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 may be found in Section 2 of the code.

²³²⁹ Ibid., Section 76.

²³³⁰ Ibid., section 77. For currency conversion, see FXConverter, in Oanda.com, [online] [cited September 15, 2003]; available from <http://www.oanda.com/convert/classic>.

²³³¹ *Constitution of the Hashemite Kingdom of Jordan*, (1952), Chapter 2, Article 13; available from <http://www.parliament.gov.jo/english/legislative/constit.htm>.

²³³² U.S. Department of State, *Country Reports- 2002: Jordan*, Section 6d.

²³³³ Ibid., Section 6f.

²³³⁴ ILO-IPEC, *National Program in Jordan—project document*, 20.

²³³⁵ Ibid. See also U.S. Embassy–Amman, *unclassified telegram no. 5763*.

²³³⁶ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

On July 31, 2000, the Government of Kazakhstan created a Council for Children's Matters to analyze youth issues and offer policy advice.²³³⁷ A Presidential decree titled the "Outline of Children's Rights" also sets up special units among internal affairs authorities focusing on the affairs of minors. These special units deal specifically with child crime and the protection of the rights, interests, and freedoms of minors.²³³⁸ The National Commission for Women's and Family Issues and the Prosecutor General are leading efforts to combat trafficking of women and girls in Kazakhstan.²³³⁹ The Commission has joined with the Gender Crimes Unit of the Ministry of the Interior to conduct research on trafficking, and Commission representatives have engaged in some preventative activities.²³⁴⁰ With funding from USAID, IOM is implementing an anti-trafficking program in cooperation with government ministries. The program aims to raise awareness and develop a preventative action plan for the country.²³⁴¹

The Ministry of Education and Science has joined with local representatives and law enforcement agencies to conduct regular searches for school truants and provide services for children in need.²³⁴² The government provides free textbooks to children from large families, children who receive social assistance, and disabled, orphaned, and institutionalized children.²³⁴³ The ADB has approved two technical assistance grants of USD 600,000 to prepare a childhood development project and strengthen the education sector development strategy for the Government of Kazakhstan.²³⁴⁴ International organizations, such as UNICEF and UNESCO, have also implemented programs aimed at improving the country's education system.²³⁴⁵

²³³⁷ USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000. The Council is also referred to as the Council for Youth Affairs. It is comprised of representatives from children's and young people's voluntary organizations. See The Government of Kazakhstan, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention of the Rights of the Child*, United Nations, Geneva, September 24, 2002, para 21.

²³³⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996: Kazakhstan*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 2002.

²³³⁹ The Law Enforcement Coordinating Council is working on anti-trafficking strategies. See U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*, online, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. The government has partnered with NGOs to support the training of judges, prosecutors, and law enforcement employees on how to process trafficking cases. The government has also cooperated with NGOs to conduct trafficking prevention programs. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kazakhstan*, online, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18374pf.htm>.

²³⁴⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*.

²³⁴¹ Other participating organizations include businesses and NGOs. See USAID, *Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union*, in USAID's Women in Development Publications, [online database] September 2001 [cited August 15, 2003]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁴² The Ministry of the Economy and the Ministry of Internal Affairs have set up a process and criteria for registering school age youth. See The Government of Kazakhstan, *Consideration of Reports*, paras. 274-75.

²³⁴³ *Ibid.*, para. 281.

²³⁴⁴ ADB, *Promoting Childhood Development in Kazakhstan*, in ADB, [database online] December 21, 2001 [cited August 27, 2003]; available from <http://www.adb.org/Documents/News/2001/nr2001212.asp>. See also ADB, *Updating Kazakhstan's Education Sector Strategy*, in ADB, [database online] January 2, 2003 [cited August 27, 2003]; available from <http://www.adb.org/Documents/News/2003/nr2003001.asp>.

²³⁴⁵ Dr. Serikzhan, H. Bereshev, and James G. Windell, *Child Labour in Kazakhstan*, ILO-IPEC, Geneva, September 1997., 19. See also UNESCO, *Education*, in UNESCO-Primary Education, [online database] 2001 [cited August 27, 2003]; available from http://www.unesco.org/education/primary/nat_activities.shtml.

Incidence and Nature of Child Labor

Recent statistics on working children under the age of 15 are unavailable.²³⁴⁶ However, 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.²³⁴⁷

Child labor tends to occur mostly in rural areas during harvest time, when children are employed in agriculture.²³⁴⁸ However, growth in the informal sector has led to increases in the involvement of young people in unregulated employment in urban areas.²³⁴⁹ Children in cities, 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.²³⁵⁰ Although the scope of the problem is unknown, local media reports indicate that child prostitution is a problem in Kazakhstan.²³⁵¹ There are also reports that children are sold or pawned by parents or guardians.²³⁵² Kazakhstan is reported to be a source country for trafficking in children (mainly teenage girls) to the United Arab Emirates, Greece, Turkey, Israel, South Korea, Cyprus, France, Italy, Portugal, Switzerland, Belgium, and Albania.²³⁵³ There are some reports that Kazakhstan is also a destination country for trafficking in children.²³⁵⁴

Under the Constitution and the Education Act, school is free and compulsory through grade 9 or up to the age of 16 years.²³⁵⁵ The Government also provides free secondary vocational and higher vocational education as well as

²³⁴⁶ National Labor Force surveys carried out by the Kazakhstan government do not collect employment statistics on children under 15 years. See ILO, *Laborsta*, in Laborsta, [online database] 2000 [cited August 22, 2003]; available from <http://laborsta.ilo.org>. In 1996, a national household survey on living standards found that 31.1 percent of children ages 7 to 14 were working only or working and studying in Kazakhstan. The survey also found that a higher percentage of children in Central Kazakhstan work without attending school than in other regions of the country. See 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.

²³⁴⁷ Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 3.

²³⁴⁸ Children tend to work in agriculture on family farms. 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* (ADB, 1998), 39. See also U.S. Embassy - Almaty, unclassified telegram, no. 6573, October 2001. See also "Kazakhstan: Economic Freedom," *Kazakh Service* (2003).

²³⁴⁹ The Government of Kazakhstan, *Consideration of Reports*, para. 345.

²³⁵⁰ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39, 108. See also Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 3.

²³⁵¹ 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*, 114-15. The Kazakhstan Today News Agency reported that a medical investigation conducted in several cities including Almaty discovered children as young as 10 suffering from sexually transmitted diseases as a result of being sexually abused by tourists. See Cheryl Eichorn, electronic communication to USDOL official, October 23, 2001.

²³⁵² Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 108.

²³⁵³ Travel, employment and marriage agencies lured girls into trafficking with promises of good jobs or marriage abroad. See U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁵⁴ Children were trafficked from the Kyrgyz Republic, Uzbekistan, and Tajikistan. See Ibid. See also U.S. Department of State official, electronic communication to USDOL official, February 2003.

²³⁵⁵ Students may begin technical training at grade 9. See U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 5.

free and compulsory preparation classes for children aged 5 and 6 years.²³⁵⁶ In 2000, the gross primary enrollment rate was 98.8 percent. In the same year, the net primary enrollment rate was 88.7 percent.²³⁵⁷ Primary school attendance rates are unavailable for Kazakhstan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁵⁸ The number of children enrolled in preschool grew by 10,500 in the year 2000, while the percentage of children enrolled in kindergarten increased by 2.1 percent.²³⁵⁹ However, government resources for education have declined by over 50 percent in the last decade.²³⁶⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years with parental consent, providing that the work does not interfere with school attendance or pose a health threat.²³⁶¹ Children 16 years and older may independently sign work contracts.²³⁶² Children under 18 years are prohibited from working in dangerous conditions, overtime, or at night.²³⁶³ Children between the ages of 14 and 16 may not work more than 24 hours per week. Children between 16 and 18 may not work more than 36 hours per week.²³⁶⁴ The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.²³⁶⁵ The Criminal Code was expanded in 1997 to include an article establishing penalties for the sale or purchase of minors.²³⁶⁶

Although the Code of Administrative Offences criminalizes the involvement of minors in the creation of pornographic products, there are no special prohibitions against involving children in the storage or distribution of sexual products or the use of images of minors for sexual purposes.²³⁶⁷ There are no specific laws prohibiting

²³⁵⁶ The Government of Kazakhstan, *Consideration of Reports*, points 257 and 67. 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, text books, training aids, and school meals for needy students. 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. See 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 Sports, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/kazakhstan/contents.html>.

²³⁵⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²³⁵⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²³⁵⁹ The Government of Kazakhstan, *Consideration of Reports*, para. 263.

²³⁶⁰ 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*. See also Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 18.

²³⁶¹ The Government of Kazakhstan, *Labour Law of the Republic of Kazakhstan*, in force January 2000 1999; available from <http://natlex.ilo.org/txt/E99KAZ01.htm>, Section 11, no. 3.

²³⁶² *Ibid.*, Section 11, no. 1.

²³⁶³ Children between ages 16 and 18 years may not work more than 36 hours per week. Children between ages 15 and 16 years (or 14 and 16 years during non-school periods) may not work over 24 hours per week. See *Ibid.*, Sections 46-49.

²³⁶⁴ The Government of Kazakhstan, *Consideration of Reports*, para. 343.

²³⁶⁵ Government of Kazakhstan, *The Constitution of the Republic of Kazakhstan*, Article 24. See also The Government of Kazakhstan, "Labour Law," Section 6

See also The Government of Kazakhstan, *Labour Law*, Section 6.

²³⁶⁶ Aggravating circumstances include: engaging in the same act with two or more minors, selling body parts, and sale by a group of persons or by a person in a position of authority, in conjunction with trafficking or inciting the youth to commit immoral acts. See The Government of Kazakhstan, *Consideration of Reports*, para. 358. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁶⁷ The Government of Kazakhstan, *Consideration of Reports*, para. 355.

prostitution.²³⁶⁸ However, procuring a minor to engage in prostitution, begging, or gambling is illegal under the Criminal Code and punishable by up to 5 years imprisonment, or 8 years if the minor is trafficked abroad.²³⁶⁹ Article 330 of the Criminal Code criminalizes organized illegal migration, including the trafficking of minors across borders.²³⁷⁰ On May 15, 2003, Parliament approved amendments to the Code intended to strengthen its anti-trafficking campaign.²³⁷¹

The Ministry of Labor is responsible for enforcing child labor laws.²³⁷² However, reports indicate that regulations are inadequately enforced.²³⁷³

The Government of Kazakhstan ratified ILO Convention 138 on May 18, 2001 and ratified ILO Convention 182 on February 26, 2003.²³⁷⁴

²³⁶⁸ U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁶⁹ *Criminal Code of the Kazakh Republic*, Articles 102, 03, 28, 201 and 15 available from <http://209.190.246.239/protectionproject/statutesPDF/KazakhstanFinal.pdf>. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁷⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁷¹ The amendments expand the law to cover the trafficking of persons from countries other than Kazakhstan for purposes of sexual or other forms of exploitation. They impose sentences of up to 4 years. See “Human Trafficking Criminalized in Kazakhstan”, [Legislationline.org](http://www.legislationline.org/), [online], May 19, 2003 [cited August 27, 2003]; available from <http://www.legislationline.org/news.php?topic=0&country=42&iorg=0&month=0&year=2003>. See also U.S. Embassy- Almaty, *unclassified telegram no. 2526*, May 2003.

²³⁷² U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6d.

²³⁷³ Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 18.

²³⁷⁴ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited August 20, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.²³⁷⁵ The government is working with ILO-IPEC and other development partners to build the capacity of the Ministry of Labor and Human Resource Development to enforce child labor inspection, and with the Department of Children's Services in the Ministry of Home Affairs to raise awareness on child labor.²³⁷⁶ In September 2001, the Ministry of Labor and Human Resource Development established a Child Labor Division within the ministry.²³⁷⁷ The Government of Kenya's National Development Plan 2002-2008 recognizes child labor as a problem and calls for an evaluation of the impact of child labor on the individual and the nation, as well as its implications on the quality of the future labor force.²³⁷⁸

By 2003, 73 ILO-IPEC programs on child labor had been launched targeting the agriculture, construction, cross-border trade, domestic service, fishing, hotel and tourism, and quarrying and mining sectors.²³⁷⁹ Kenya is also participating in an ILO-IPEC regional program funded by USDOL to withdraw, rehabilitate, and prevent children from engaging in hazardous work in the commercial agriculture sector in East Africa.²³⁸⁰ The government is taking part in another USDOL ILO-IPEC regional project aimed at building the foundations for eliminating the worst forms of child labor in Anglophone Africa.²³⁸¹ In September 2001, the Government of Kenya and ILO-IPEC released the results of the Child Labor Module of the Integrated Labor Force Survey, which collected national data on the incidence of child labor in Kenya from 1998 to 1999.²³⁸²

The Government of Kenya has also received support from UNICEF to raise the enrollment and primary completion rates for girls, and to help formulate policy on issues affecting children.²³⁸³ 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.²³⁸⁴ In 2002, USAID helped provide scholarships to secondary school girls from poor families, provided internet access to primary and secondary schools, and assisted 22 educational institutions.²³⁸⁵

²³⁷⁵ ILO-IPEC, *Kenya Country Programme 1992-2001: Brief Profile of Activities*, Nairobi, May 2001, 1. See also ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²³⁷⁶ Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, ILO, September 2001, 7-9 [cited August 1, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/kenya/report/ken98.pdf>.

²³⁷⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kenya*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18209.htm>. See also U.S. Embassy- Nairobi, *unclassified telegram no. 7028*, November 2001.

²³⁷⁸ ILO-IPEC, *Technical Progress Report: Prevention, withdrawal, and rehabilitation of children engaged in hazardous work in commercial agriculture in Kenya*, Geneva, August 29, 2002, 3.

²³⁷⁹ U.S. Embassy- Nairobi, *unclassified telegram no. 3531*, August 2003.

²³⁸⁰ 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.

²³⁸¹ ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, Geneva, September 2002.

²³⁸² Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, ii. This survey was carried out with support from a USDOL funded ILO-IPEC SIMPOC project.

²³⁸³ UNICEF, *UNICEF - At a glance: Kenya - The big picture*, [online] [cited October 19, 2003]; available from <http://www.unicef.org/infobycountry/kenya.html>.

²³⁸⁴ Such children often are at-risk for entering work. See USAID, *USAID Congressional Budget Justification, 2002: Kenya*, [online] May 29, 2002 [cited August 1, 2003]; available from <http://www.usaid.gov/pubs/cbj2002/afr/ke/>.

²³⁸⁵ USAID, *Kenya*, [online] May 29, 2002 [cited August 2, 2003]; available from <http://www.usaid.gov/pubs/cbj2003/afr/ke/>.

In December 2002, the newly elected government promised to eliminate tuition fees for primary education and reform the educational system.²³⁸⁶ In January 2003, the Government of Kenya implemented Universal Free Primary Education.²³⁸⁷ As a result, the number of children in primary school significantly increased in 2003, but not without placing a strain on schools.²³⁸⁸ To aid in the provision of primary education to all children by 2015, the World Bank will provide USD 50 million to this effort.²³⁸⁹ The World Bank has also been supporting an early childhood development project, which has as a part of its objectives to increase enrollment and reduce dropout and repetition rates in lower primary school.²³⁹⁰

Prior to the implementation of Universal Free Primary Education, a “cost sharing” education system in which students paid both tuition and other associated schooling costs, which could total up to 65 percent of the recurrent costs of schools, had been in place in Kenya.²³⁹¹ Increased costs of schooling reduced access to education for many poor children, and led to a steady increase in the number of dropouts in Kenya.²³⁹²

Incidence and Nature of Child Labor

In 1998/99, the Kenyan Central Bureau of Statistics estimated that 17.4 percent of all children ages 5 to 17 years were working in Kenya.²³⁹³ According to the survey, children made up 14.4 percent of the total workforce in Kenya.²³⁹⁴ More children living in rural areas (19.7 percent) worked compared to children living in urban areas (9.0 percent).²³⁹⁵ 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).²³⁹⁶ Children also work in construction, wholesale and retail trade, mining, and manufacturing.²³⁹⁷ Children employed in the hotel industry

²³⁸⁶ U.S. Department of State, *Country Reports- 2002: Kenya*, Section 5. See also ILO-IPEC, *Technical Progress Report: Targeting the worst forms of child labour in commercial agriculture in Kenya, Tanzania, Malawi, Uganda, and Zambia*, Geneva, March 2003, 2.

²³⁸⁷ U.S. Embassy- Nairobi, *unclassified telegram no. 3531*.

²³⁸⁸ According to UNESCO, it is estimated that the number of children in primary school has increased to 7.4 million from 5.9 million in 2002. See UNESCO, *Kenya launches mass literacy*, [online] 2003 [cited August 2, 2003]; available from http://www.unesco.org/education/efa/news_en/28.05.03_kenya.shtml. See also ILO-IPEC, *Technical Progress Report: Targeting the worst forms of child labour in commercial agriculture*, 2.

²³⁸⁹ World Bank, *Free Primary Education Support Project*, [online] August 1, 2003 [cited August 2, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P082378>. See also U.S. Embassy- Nairobi, *unclassified telegram no. 3531*.

²³⁹⁰ World Bank, *Early Childhood Development Project*, [online] August 1, 2003 [cited August 2, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P034180>.

²³⁹¹ This cost-sharing system had been in place in Kenya before the implementation of Universal Free Primary Education, except for the first years following independence. U.S. Department of State, *Country Reports- 2002: Kenya*, Section 5. 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.

²³⁹² UN Integrated Regional Information Network (IRIN), *Kenya: Focus on Challenges in the Education Sector*, ReliefWeb and IRINnews.org, [online] July 22, 2002 [cited August 1, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/c12980402b76b23085256bfe005d27e7?OpenDocument>. See also U.S. Department of State, *Country Reports- 2002: Kenya*, Section 5.

²³⁹³ Child labor was defined as work undertaken by children 5-17 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.

²³⁹⁴ 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.

²³⁹⁵ *Ibid.*, 34.

²³⁹⁶ *Ibid.*, 37.

²³⁹⁷ 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.

are often drawn into commercial sex work.²³⁹⁸ Street children are often engaged in odd jobs in the informal sector, prostitution, or various illegal activities often under the control of organized criminal groups.²³⁹⁹ 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.²⁴⁰⁰ There are reports of internal trafficking of children, for the purpose of commercial sexual exploitation and forced labor. Children are also reportedly trafficked to Uganda for labor purposes.²⁴⁰¹

Education is compulsory for eight years, for children ages 6 to 14.²⁴⁰² In 2000, the gross primary enrollment rate was 94.0 percent, and the net primary enrollment rate was 68.5 percent.²⁴⁰³ In 1998, 71.2 percent of children persisted to grade five.²⁴⁰⁴ 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.²⁴⁰⁵ Progress is being made in improving school completion rates for girls, and the completion rate among girls has been reported higher than boys.²⁴⁰⁶ However, there is still a gender bias in access to education.²⁴⁰⁷ As the government looks to expand primary education, it faces some challenges, including high numbers of overage students, lack of teachers in some areas, learning material shortages, large classroom sizes, lack of classrooms, and inadequate facilities.²⁴⁰⁸ In 2001, 42 percent of teachers were reported as being untrained.²⁴⁰⁹ Furthermore, a teachers' strike from September to October 2002 led to disruptions in the provision of schooling.²⁴¹⁰

²³⁹⁸ Ibid., 69. See also ILO-IPEC, *Fighting Commercial Sexual Exploitation of Children*, Dar es Salaam, April 2002, 3-4.

²³⁹⁹ Ministry of Education, *Action Program on Child Labor*, 69-70.

²⁴⁰⁰ U.S. Department of State, *Country Reports- 2002: Kenya*, Section 6c.

²⁴⁰¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Kenya*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²⁴⁰² UNESCO, *Kenya-Education System: Structure of Education System: 2000-2001*, [online] [cited August 1, 2003]; available from www.unesco.org/iau/cd-data/ke.rtf.

²⁴⁰³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington D.C., 2003. See also USAID, *Global Education Database 2003*; available from <http://qesdb.cdie.org/ged/index.html>.

²⁴⁰⁴ World Bank, *World Development Indicators 2003*.

²⁴⁰⁵ Kenya CRC Coalition, *Supplementary Report: Kenya*, 5-6.

²⁴⁰⁶ Ibid., 5.

²⁴⁰⁷ Ibid.

²⁴⁰⁸ UN Integrated Regional Information Networks (IRIN), *Kenya: Feature: The challenge of providing free primary education*, [online] 2003 [cited August 2, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=32164>. See also UNESCO, *Kenya launches mass literacy*.

²⁴⁰⁹ Kenya CRC Coalition, *Supplementary Report: Kenya*, 5.

²⁴¹⁰ UN Integrated Regional Information Network (IRIN), "Kenya: Feature - Compromise Deal Ends Teachers' Strike", IRINnews.org, October 23, 2002, [cited August 1, 2003]; available from http://www.irinnews.org/report.asp?ReportID=30563&SelectRegion=East_Africa&SelectCountry=KENYA. After a teachers' strike in 1997, the government agreed to increase 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, subsequently not providing the agreed to increases to the teachers. A number of negotiations and strikes have taken place since. On May 1, 2003, however, the President ordered a renegotiation and on July 1, the government made the first salary award payment, with the remainder to be paid over the next 6 years. See UN Integrated Regional Information Network (IRIN), *Kenya: Focus on Challenges in the Education Sector*. See also UN Integrated Regional Information Network (IRIN), "Kenya: Education sector in crisis as teachers strike", September 23, 2002; available from http://www.irinnews.org/report.asp?ReportID=30027&SelectRegion=East_Africa&SelectCountry=KENYA. See also U.S. Embassy- Nairobi, electronic communication to USDOL official, February 17, 2004.

Child Labor Laws and Enforcement

The Children's Act of 2001 prohibits all forms of child labor that would prevent children under the age of 16 from going to school or that is exploitative and hazardous.²⁴¹¹ The Children's Act also prohibits child sexual exploitation.²⁴¹² The Constitution prohibits slavery, servitude, and forced labor.²⁴¹³ 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.²⁴¹⁴ The Department of Children's Services (Office of the Vice President and the Ministry of Home Affairs) is responsible for the administration of all laws regarding children, particularly awareness raising regarding children's rights and the management of rehabilitation institutions.²⁴¹⁵ There are more than 80 Directorate of Occupational Health and Safety Services inspectors and 140 Ministry of Labor officers who have been trained to detect and report child labor.²⁴¹⁶ 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.²⁴¹⁷ There are no laws in Kenya prohibiting trafficking.²⁴¹⁸

The Government of Kenya ratified ILO Convention 138 on April 9, 1979 and ILO Convention 182 on May 7, 2001.²⁴¹⁹

²⁴¹¹ U.S. Embassy- Nairobi, *unclassified telegram no. 3531*.

²⁴¹² UN Integrated Regional Information Network (IRIN), "Kenya: Focus on New Legislation and Hopes for Child Welfare", [online], March 1, 2002, [cited August 1, 2003]; available from http://www.irinnews.org/report.asp?ReportID=23483&SelectRegion=East_Africa&SelectCountry=KENYA. 0

²⁴¹³ *Constitution of Kenya, Revised Edition 1998*, Article 73 [cited August 1, 2003]; available from <http://kenya.rcbowen.com/constitution/>.

²⁴¹⁴ Central Bureau of Statistics- Ministry of Finance and Planning, *The 1998/99 Child Labor Report*, 7.

²⁴¹⁵ *Ibid.*

²⁴¹⁶ U.S. Embassy- Nairobi, *unclassified telegram no. 7028*.

²⁴¹⁷ *Ibid.*

²⁴¹⁸ U.S. Department of State, *Country Reports- 2002: Kenya*, section 6f.

²⁴¹⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Kiribati began working with the UN in late 1999 to assess the country's national development through a Common Country Assessment (CCA).²⁴²⁰ The CCA formed the basis for the United Nations Development Assistance Framework (UNDAF) 2003-2007 which was completed in 2002.²⁴²¹ The UNDAF is working with the government to support national priorities and initiatives that include promoting the healthy growth and development of Kiribati's children.²⁴²²

The government is also working with the ADB on the implementation of its 2003-2005 Country Strategy and Program to address key issues that include poverty reduction and human development. Part of its poverty reduction strategy and plan to invest in human capital development will focus on improving quality and relevant education and expanding the coverage of social services, particularly for people living in the outer islands.²⁴²³ AusAID is also assisting the country to enhance policy initiatives surrounding the education sector for the period between 1998 and 2005.²⁴²⁴ The objective of the education program is to develop curriculum materials, advance teacher training, and facilitate access to basic education.²⁴²⁵

The Quality of Life Improvement policy of the government includes a commitment to financially support initiatives that enhance the social, physical, and economic environment for children, such as health and sports programs. As a signatory to the Convention of 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 and violent films, funding construction of Early Care and Childhood Education centers, providing teacher materials for centers, instituting vocational training centers, and expanding the education system.²⁴²⁶

The Ministry of Education, Training and Technology is responsible for implementing the National Development Strategies 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.²⁴²⁷ UNICEF is also active in Kiribati implementing child and youth advocacy projects.²⁴²⁸

²⁴²⁰ United Nations, *United Nations Common Country Assessment: Kiribati*, Office of the United Nations Resident Coordinator, 2002 [cited July 2, 2003], Annex 3, 1; available from <http://www.undp.org.fj/documents/Kiribati%20CCA%20small.pdf>.

²⁴²¹ United Nations, *Kiribati: United Nations Development Assistance Framework (2003-2007)*, Office of the United Nations Resident Coordinator, [online] 2002 [cited July 2, 2003], 3; available from <http://www.undp.org.fj/documents/UNDAF%20KIRIBATI%2024%20JUNE.doc>.

²⁴²² Ibid., 4.

²⁴²³ ADB, *Country Strategy and Program Update (2003-2005): Kiribati*, July 2002, 6; available from http://www.adb.org/Documents/CSPs/KIR/2002/CSP_KIR_2002.pdf.

²⁴²⁴ AusAID, *Country Brief: Kiribati*, [online] October 25, 2002 [cited July 2, 2003]; available from <http://www.ausaid.gov.au/country/country.cfm?CountryId=20>.

²⁴²⁵ Ibid.

²⁴²⁶ Statement by His Excellency Teburoro Tito, President of the Republic of Kiribati, at the United Nations Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/kiribatiE.htm>.

²⁴²⁷ *Kiribati Education Policy: National Development Strategies 2002-2003*, [online] [cited June 18, 2003]; available from http://www.janeresture.com/kiribati_edupolicy/index.htm

²⁴²⁸ UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries*, [online] [cited July 3, 2003]; available from http://www.undp.org.fj/un/UNICEF/UNICEF_PIC.htm.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kiribati are not available. However, an estimated 2,000 school-aged children are reported to be out of school for unknown reasons.²⁴²⁹ Some children who are not in school are reported to work in the informal sector, either in small-scale enterprises or in their homes.²⁴³⁰

Education is free and compulsory for children ages 6 to 14 years.²⁴³¹ Basic education includes primary school for grades one through six, and Junior Secondary School for three additional grade levels.²⁴³² In 1998, the gross primary enrollment rate was 84.4 percent, and net primary enrollment rate was 70.7 percent.²⁴³³ 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.²⁴³⁴ School quality and access to primary education is still a challenge, particularly in the outer islands.²⁴³⁵

Child Labor Laws and Enforcement

Part IX, Section 84 of the Employment Ordinance, Employment of Children and Other Young Persons, sets the minimum age for employment at 14 years,²⁴³⁶ and children under 16 years are prohibited from industrial employment or jobs aboard ships.²⁴³⁷ The Constitution prohibits forced labor.²⁴³⁸ The Penal Code criminalizes the procurement of minors under 15 years of age for the purpose of sexual relations and establishes a penalty of two years imprisonment for such offenses.²⁴³⁹ The Penal Code also bans parents or guardians from prostituting children under 15 years old.²⁴⁴⁰ Child labor laws are enforced by the Ministry of Commerce, Industry and Employment.²⁴⁴¹

The Government of Kiribati has not ratified ILO Convention 138 or ILO Convention 182.²⁴⁴²

²⁴²⁹ United Nations, *United Nations Common Country Assessment: Kiribati*, 29.

²⁴³⁰ 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, [hard copy on-file]; available from www.undp.org/fj/Pacific_Human_Dev_Report_1999.htm.

²⁴³¹ United Nations, *United Nations Common Country Assessment: Kiribati*, 28. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kiribati*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18248.htm>.

²⁴³² *Kiribati Education Policy*.

²⁴³³ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

²⁴³⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁴³⁵ ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, 2003 [cited July 3, 2003]; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

²⁴³⁶ ILO, *Review of Annual Reports 2002*, 384, 86.

²⁴³⁷ U.S. Department of State, *Country Reports- 2002: Kiribati*, Section 6d.

²⁴³⁸ *Constitution of Kiribati*, Chapter II, Section 6 (2); available from http://www.vanuatu.usp.ac.fj/paclawmat/Kiribati_legislation/Kiribati_Constitution.html.

²⁴³⁹ UN Committee on the Rights of the Child, *Summary Record of the 751st Meeting*, CRC/C/SR.751. (Summary Record), 2002, Articles 141, 43.

²⁴⁴⁰ *Ibid.*

²⁴⁴¹ U.S. Department of State, *Country Reports- 2002: Kiribati*, Section 6d.

²⁴⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Kyrgyzstan is an associated country of ILO-IPEC.²⁴⁴³ The Ministry of Education, Science, and Culture, the Department of Employment, and the Mayor of Bishkek cooperate with the Center for Child Protection established in 1998 by the “Children in Risk” organization 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.²⁴⁴⁴ In 2002, the government collaborated with trade unions, NGOs, and the ILO to hold conferences in an attempt to raise awareness about child labor.²⁴⁴⁵ With funding from USAID in 2001, IOM began cooperating with the government to implement an anti-trafficking program that aims to raise awareness about the issue in the country.²⁴⁴⁶ The program also contributed to the development of the National Anti-Trafficking Plan, which was signed by President Akayev on July 11, 2002.²⁴⁴⁷

The government has also created New Generation, a consortium of international and national organizations that focuses on child welfare issues.²⁴⁴⁸ The Center for Social Adaptation, supported by Norwegian and UNDP funds, cares for homeless, abused, and neglected children.²⁴⁴⁹ In the fall of 2002, Prime Minister Nikolai Tanayev also created a working group with the responsibility of drafting a Children’s Code.²⁴⁵⁰

In April 2003, President Akayev initiated new efforts to help reduce poverty and send 50,000 low-income children back to school.²⁴⁵¹ The Government of Kyrgyzstan has established national education programs such as Araket²⁴⁵² and Jetkincheck²⁴⁵³, which provide school supplies or other educational benefits for low-income families. Since 1992, the World Bank has provided support for basic education.²⁴⁵⁴

²⁴⁴³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited July 9, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. In 2001, ILO-IPEC provided support for a study on child labor in Kyrgyzstan. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 8.

²⁴⁴⁴ “Children in Risk” is supported by the Holland Interchurch Aid and Interchurch Organization for Partnership Development. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 36.

²⁴⁴⁵ US Embassy-Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

²⁴⁴⁶ Other participating organizations include businesses and NGOs. USAID’s *Trafficking in Persons* report suggests that National Anti-Trafficking Plan is a product of USAID/IOM collaboration. USAID, *Trafficking in Persons, USAID’s Response*, USAID’s Office of Women in Development, Washington, D.C., September 2001; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

²⁴⁴⁷ US Embassy- Bishkek, *unclassified telegram no. 1425*, September 2002. USAID, *Selected USAID Anti-Trafficking Efforts*.

²⁴⁴⁸ Education to Combat Abusive Child Labor, *Child Labor Country Briefs: Kyrgyzstan*, [online] June 22, 2002 [cited October 10, 2003]; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁴⁴⁹ Ibid., 4. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 36.

²⁴⁵⁰ The group consisted of the Ministry of Justice Representatives, affiliates from the “New Generation” program and members from the NGO Children in Danger. The Children’s Code will be a legal document that addresses every aspect of a child’s life. This includes human rights, child labor concerns, and penalties for child labor exploitation. No current information is available on the progress of this Children’s Code. US Embassy-Bishkek, *Unclassified telegram no. 1189*.

²⁴⁵¹ Ibid.

²⁴⁵² *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *Education for All 2000 Assessment: Country Reports-Kyrgyz Republic*, prepared by Culture, pursuant to UN General Assembly Resolution 52/84, 1999; available from <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html>.

²⁴⁵³ *Jetkincheck* focuses on education problems in schools and increasing attendance. Kadry XXI Veka, funded by international organizations, supports students who continue education overseas. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 34. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kyrgyz Republic*, Washington D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18374.htm>.

²⁴⁵⁴ World Bank, *Kyrgyz Republic Country Brief*, September 2002; available from <http://lnweb18.worldbank.org/eca/eca.nsf/Countries/Kyrgyz+Republic/3D00E03A802774EB85256C2500613D31?OpenDocument>.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable.²⁴⁵⁵ However, 5,000 to 7,000 children were estimated to be living and working on the streets.²⁴⁵⁶ Some of the common occupations where children are working include selling goods (such as newspapers, cigarettes and candy), transportation, loading and unloading goods, collecting aluminum and bottles, begging, cleaning and repairing shoes, washing cars, agriculture, and selling narcotics.²⁴⁵⁷ In southern rural areas, children work in mines. Children allegedly are also pulled out of school to harvest cotton. During summer vacations from school, they work on commercial tobacco farms.²⁴⁵⁸ Some schools have also reportedly required students to participate in the tobacco harvest on fields located on school grounds.²⁴⁵⁹ Children are also found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.²⁴⁶⁰ Children are reported to work as prostitutes in Bishkek.²⁴⁶¹

Kyrgyzstan is considered to be primarily a country of origin and transit for the trafficking of children.²⁴⁶² Girls as young as 13 years are trafficked to countries such as the United Arab Emirates, Turkey, China, and Germany.²⁴⁶³ The Islamic Movement of Uzbekistan is rumored to recruit boys under 18 to serve as armed members of opposition groups, and the 1999 incursions into Kyrgyzstan, allegedly by Islamic Movement supporters, may have involved child soldiers.²⁴⁶⁴

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.²⁴⁶⁵ On April 30, 2003, the government passed a new law on education to help the

²⁴⁵⁵ LABORSTA, ILO Bureau of Statistics; [database online] 2003 [cited August 22, 2003]; available from <http://www.ilo.org/stat/>.

²⁴⁵⁶ ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 6.

²⁴⁵⁷ Ibid., 14. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. See also Integrated Regional Information Networks, "Kyrgyzstan: IRIN Focus on Street Children in Bishkek", IRINnews.org, July 6, 2001; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁴⁵⁸ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Kyrgyzstan*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add. 127, Geneva, August 9, 2000, para.55. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. 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.

²⁴⁵⁹ Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. Students sometimes participate in labor training classes involving cleaning and collecting waste. "Subbotnics" (labor days) are also arranged in city areas. UN Committee on the Rights of the Child, *NGO Commentaries to the Initial Report of the Kyrgyz Republic on the UN Convention on the Rights of the Child*; available from <http://www.crin.org/docs/resources/treaties/crc.24/kyrgyzstanNGOreport.doc>.

²⁴⁶⁰ Families tend to be large and consider it necessary for children to begin work at a young age to support their families. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 6d.

²⁴⁶¹ See Ibid., 1576-79 Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishkek, November 2000.

²⁴⁶² U.S. Department of State, *Trafficking in Persons Report- 2003: Kyrgyzstan*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 6f.

²⁴⁶³ Girls as young as 10 from poor mountain villages are drawn into prostitution. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1576-79 Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. See also Kubat Otorbaev, *Kyrgyz Sex Trade Flourishes*, International Eurasian Institute for Economic and Political Research, June 1, 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; available from http://www.irinnews.org/report.asp?ReportID=1759&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁴⁶⁴ Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Global Report 2001*, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

²⁴⁶⁵ UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also *Constitution*, (February 17, 1996); available from <http://www.kyrgyzinvest.org/en/state/constitution.htm#gl2> [hard copy of file].

country meet mandatory basic education standards.²⁴⁶⁶ Residence registration limits access to social services, including education, for refugees, migrants, internally displaced persons, and non-citizens.²⁴⁶⁷ In 2000, the gross primary enrollment rate was 103.2 percent, and the net primary enrollment rate was 82.5 percent.²⁴⁶⁸ 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.²⁴⁶⁹ The economic crisis and declining family incomes have led to an increase in the number of children who drop out of school and take up work.²⁴⁷⁰ According to the U.S. Department of State, in August of 2003, there were 4,000 children not attending school and many that do attend, do so irregularly. Students who have stayed in school have to pay administrative fees.²⁴⁷¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Children who are 14 may work with parental consent, provided that work does not interfere with school attendance or pose a threat to the child's health and development.²⁴⁷² The Labor Code prohibits children under 18 years from working overtime hours or at night.²⁴⁷³ Hazardous work is also prohibited for children under 18 years,²⁴⁷⁴ however, aspects of the Labor Code relating to hazardous work are contradictory.²⁴⁷⁵ A violation of labor laws is now punishable by a fine of up to USD 120 or a ban from working in particular occupations for up to 5 years.²⁴⁷⁶

Both the Constitution and the Labor Law prohibit forced labor under most circumstances.²⁴⁷⁷ The Criminal Code provides for punishments of up to 8 year prison sentences for the recruitment of adults and children for exploitation. The restriction of freedom, unrelated to kidnapping, for adults and children can be punished with 7 to 10 years of prison sentence according to Article 125.

²⁴⁶⁶ Article 4 focuses on securing free elementary and secondary education through grade 11. US Embassy- Bishkek, *unclassified telegram no. 1425*.

²⁴⁶⁷ U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1573-76, Section 5.

²⁴⁶⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁴⁶⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

²⁴⁷⁰ UN Committee on the Rights of the Child, *Concluding Observations*, para. 55.

²⁴⁷¹ U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1573-76, Section 5.

²⁴⁷² *Labor Code*, (1997); 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 SIAR ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 32. The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 5.

²⁴⁷³ *Labor Code*, 1997, Article 325.

²⁴⁷⁴ *Ibid.*, Article 319.

²⁴⁷⁵ Article 285 sets the age for employment in morally and physically dangerous work at 21. However, Article 319 prohibits youth under 18 from engaging in such work. The Labor Code allows children between the ages of 14 and 16 to perform strenuous work with parental consent. However, minors under the age of 18 cannot work underground. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1576-79 Section 6d. See also ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 6d.

²⁴⁷⁶ Article 124, Article 125, Article 143, Article 142 of the Criminal Code, as cited in US Embassy-Bishkek, *Unclassified telegram no. 1189*.

²⁴⁷⁷ 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.

The Prosecutor's Office is responsible for enforcing child labor laws as well as monitoring the State Labor Inspectorate's activities.²⁴⁷⁸ Given resource constraints, however, the government does not enforce child labor law adequately.²⁴⁷⁹ In addition, despite the fact that compliance with labor legislation is monitored by state health agencies, trade unions, government departments, and commissions for minors,²⁴⁸⁰ the lack of national policy on child labor has resulted in few administrative structures to monitor the problem.²⁴⁸¹ Similarly, although there are 300 labor inspectors in the country assigned to protect child welfare, abandoned and orphaned children are typically considered to be a law enforcement challenge due to the absence of a well-established tradition of social welfare.²⁴⁸²

Until recently, laws prohibiting trafficking in persons were inconsistently enforced. The Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.²⁴⁸³ 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.²⁴⁸⁴ At the end of June 2003, the Legislative Assembly adopted a law criminalizing trafficking. Government leaders are spearheading anti-trafficking initiatives.²⁴⁸⁵

The Government of Kyrgyzstan ratified ILO Convention No. 138 on March 31, 1992, but has not ratified ILO Convention No. 182.²⁴⁸⁶

²⁴⁷⁸ U.S. Embassy- Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

²⁴⁷⁹ Ibid.

²⁴⁸⁰ UN Committee on the Rights of the Child, *Concluding Observations*, , para. 262.

²⁴⁸¹ 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 and SIAR, *Child Labor in Kyrgyzstan*, 35.

²⁴⁸² Children living and working on the streets are frequently rounded up in sweeps and institutionalized. U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 5.

²⁴⁸³ Government of the Kyrgyz Republic, Criminal Code of the Kyrgyz Republic (September 18, 1997), Articles 124, 159, 260, as cited in IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*.

²⁴⁸⁴ IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. Government agencies involved in anti-trafficking include: The Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67.

²⁴⁸⁵ US Embassy- Bishkek, *unclassified telegram no. 1425*.

²⁴⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 14, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. On June 26, 2003 the government submitted its recommendation for the ratification of ILO Convention 182 to the Parliament. In fall 2003, the Parliament is expected to ratify the convention. US Embassy-Bishkek, *Unclassified telegram no. 1189*.

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 2000–2004,²⁴⁸⁷ and it is cooperating with the Baltic and Eastern European governments to combat regional organized crime groups that engage in trafficking or prostitution.²⁴⁸⁸ In 1999, the National Center for the Rights of the Child was restructured to monitor the implementation of legislation on children's rights. Inspectors who focus on children's rights protection work at a municipal level to ensure the coordination of activities.²⁴⁸⁹ The government has established an anti-trafficking working group that includes representation from government and NGOs involved in anti-trafficking efforts.²⁴⁹⁰

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.²⁴⁹¹ In October 2001, IOM launched an information campaign aimed at potential victims of trafficking, the press, the general public, and government authorities.²⁴⁹² IOM also instituted a counter-trafficking project aimed at establishing a coordinated system of assistance for trafficking victims from the Baltic Republics.²⁴⁹³ The 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.²⁴⁹⁴ 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 deal with the growing street children situation.²⁴⁹⁵ The World Bank is providing

²⁴⁸⁷ 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*, CRC/C/15/Add.142, pursuant to Concluding Observations of the Committee on the Rights of the Child: Latvia, Geneva, January 26, 2001, para. 5.

²⁴⁸⁸ 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, 14 [cited January 2, 2003]; available from <http://www.iom.fi/publications/Reports/2001/Baltic-Trafficking/Annex%20III%20-%20national%20paper%20-%20Latvia.pdf>.

²⁴⁸⁹ 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. See 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 27, 2003]; available from http://www.unicef.org/specialsession/how_country/edr_latvia_en.PDF.

²⁴⁹⁰ The working group includes representation from the Ministries of Justice, Welfare, Interior, Foreign Affairs, and Education and Science, municipalities, NGOs and others. See Nordic-Baltic Campaign Against Trafficking in Women, *National Campaign: Latvia*, [online] [cited August 27, 2003]; available from <http://www.nordicbalticcampaing.org/latvian/>.

²⁴⁹¹ 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.

²⁴⁹² IOM, *Press Briefing Notes - 15 February*, 2002 [cited August 27, 2003]; available from <http://www.iom.int/en/archive/PBN150202.shtml>.

²⁴⁹³ 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. See IOM, *Online Project Compendium*, [online] [cited July 17, 2003]; available from <http://www.iom.int/iomwebsite/Project/ServletSerachProject?event+detail&id+FI1Z045>.

²⁴⁹⁴ Child Center for Children At Risk in the Baltic Sea Region, [online] [cited July 17, 2003]; available from <http://www.childcentre.baltinfo.org/>

²⁴⁹⁵ 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 September 3, 2003]; available from <http://www2.unesco.org/wef/countryreports/latvia/contents.html>.

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.²⁴⁹⁶

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.²⁴⁹⁷ Prostitution by both boys and girls remains a problem.²⁴⁹⁸ It is estimated that up to 15 percent of prostitutes in Latvia are children between 8 and 18 years old.²⁴⁹⁹ 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.²⁵⁰⁰

Chapter 8 of the Latvian Constitution establishes that everybody has the right to education.²⁵⁰¹ The Constitution provides for free and compulsory education until the age of 15, or through the completion of primary school.²⁵⁰² However, the 1998 Latvian Education Law guarantees equality in education for all residents and defines the mandatory nature of education in Latvia, making acquiring basic education by age 18 mandatory.²⁵⁰³

In 2000, the gross primary enrollment rate was 100.3 percent and the net primary enrollment rate was 92.0 percent.²⁵⁰⁴ Primary school attendance rates are unavailable for Latvia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵⁰⁵ School infrastructure has deteriorated, and 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.²⁵⁰⁶ In accordance with Regulation No. 439 (December 28, 1999) of the Cabinet of Ministers, information on children who are not attending school is compiled annually by the Ministry

²⁴⁹⁶ World Bank, *Latvia - Education Improvement Project*, Project Information Document, PID7255, January 7, 1999, [cited August 27, 2003]; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_99031911070478.

²⁴⁹⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Latvia*, para. 5, 47 and 48. 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.

²⁴⁹⁸ Swedish International Development Agency, *Looking Back, Thinking Forward*, 132.

²⁴⁹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Latvia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/index.htm>.

²⁵⁰⁰ 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.

²⁵⁰¹ *Constitution of Latvia, 1922, Amended 1998*, (February 15, 1922), Article 112 [cited August 27, 2003]; available from http://www.oefre.unibe.ch/law/icl/lg00000_.html.

²⁵⁰² 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.

²⁵⁰³ UNESCO, *EFA 2000 Report: Latvia*, Section 6.

²⁵⁰⁴ World Bank, *World Development Indicators for 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁵⁰⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵⁰⁶ 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*.

of Education and Science.²⁵⁰⁷ The number of children not attending primary school is increasing. In 1997, the Ministry of Education and Science had a record of 1,311 children ages 5 to 15 who were not attending school.²⁵⁰⁸ According to the Education Ministry's annual report, 2,512 children did not attend school in 2002.²⁵⁰⁹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for general employment at 15 years, although children over 13 years of age may work in light jobs that are not harmful to their health and morals if it does not interfere with school, and if the child has permission from a parent or guardian.²⁵¹⁰ According to the Labor Code, children under 18 years may not be employed in jobs requiring heavy labor, in nighttime or overtime work, or under conditions that are hazardous to health or morals.²⁵¹¹ The Constitution prohibits forced labor, unless it is required by a court order or in the case of a disaster.²⁵¹²

Approved in May 2000, Article 165 of the Criminal Law 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 with 8 to 15 years of imprisonment.²⁵¹³ The Cabinet of Ministers adopted Regulations on the Restriction of Prostitution in 1998, which prohibits juveniles from engaging in prostitution.²⁵¹⁴ In addition, the Criminal Law prohibits the procuring, inducing or compelling of a minor to commit prostitution.²⁵¹⁵

Article 166 of the Latvian Criminal Law establishes child pornography as an offense. The use of juveniles or minors in the production, manufacturing or distribution of pornographic materials is punishable with up to 12 years imprisonment or a fine.²⁵¹⁶ Possession of pornography is also an offense, and sentences range from fines and confiscation to 1 year of imprisonment for repeated offenses.²⁵¹⁷

²⁵⁰⁷ Government of Latvia, *Report of the State of Latvia on Situation after the Conference on Children*, 27. See also 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. See also U.S. Embassy- Riga Labor Attaché, electronic communication to USDOL official, February 23, 2004.

²⁵⁰⁸ 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*.

²⁵⁰⁹ Latvian Ministry of Education annual report, as included in U.S. Embassy- Riga Labor Attaché, electronic communication, February 23, 2004.

²⁵¹⁰ 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.

²⁵¹¹ *Latvia Labor Code, Amended March 17, 1992*, Sections 182, 84 and 86. A State Labor Inspectorate was established by the government to monitor work conditions. If a violation of child labor laws should occur, the government agency will investigate the report and, if necessary, forward the case to state courts. See also U.S. Embassy- Riga, *unclassified telegram no. 1381*, October 2001.

²⁵¹² *Constitution of Latvia, 1922, Amended 1998*, Article 106.

²⁵¹³ 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.

²⁵¹⁴ Kamenska, "Trafficking in Women-Latvia," 4.

²⁵¹⁵ *Latvia Criminal Code*, Articles 164, 65, as cited in Kamenska, "Trafficking in Women," 5.

²⁵¹⁶ Interpol, *Legislation of Interpol member states on sexual offences against children: Latvia*, [database online] 2003 [cited August 27, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaLatvia.asp>.

²⁵¹⁷ *Ibid.*

The Latvian Children's Rights Law was ratified in 1998, which guarantees children's rights and freedoms at the national level.²⁵¹⁸ Under the Children's Right's Law and the Criminal Law, the Latvian government began 10 criminal investigations on child abuse during 2002 and 2003.²⁵¹⁹

The Government of Latvia has not ratified ILO Convention 138 or ILO Convention 182.²⁵²⁰

²⁵¹⁸ UNESCO, *EFA 2000 Report: Latvia*, Section 7.

²⁵¹⁹ Address by H.E. Dr.Vaira Vike-Freiberga, President of Latvia, "Stop Child Trafficking: Modern-Day Slavery" Conference in Helsinki, June 2, 2003, [cited on August 27, 2003].

²⁵²⁰ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited August 30, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Lebanon has been a member of ILO-IPEC since 2000.²⁵²¹ That year, a study to assess the working conditions of child labor in tobacco cultivation in Lebanon was conducted with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL.²⁵²² In May 2001, the Ministry of Labor (MOL) established a National Committee to Combat Child Labor, which is charged with developing a national strategy for preventing child labor.²⁵²³ In 2002, the Ministry of Interior and ILO-IPEC signed an agreement to implement a program to prevent and eliminate the trafficking of children and the work of street children through a multi-sector program.²⁵²⁴ In 2002, IPEC, in coordination with the MOL, initiated projects in Nabatiyah, Tripoli, Sin el Fil, Bourj Hammud, and Ain el-Hilweh (the largest Palestinian refugee camp in Lebanon). These programs were aimed at the prevention, rehabilitation, and withdrawal of children from the worst forms of child labor.²⁵²⁵

The Ministry of Social Affairs through its Higher Council for Childhood coordinates efforts of governmental agencies and NGOs involved in supporting the rights of children.²⁵²⁶ In 2000, with the support of UNICEF, the government's Central Bureau of Statistics conducted a Multiple Indicator Cluster Survey on the Situation of Children, of which child labor and education were essential components.²⁵²⁷ In March 2000, the World Bank approved a USD 56.6 million loan to the government to support a project designed to enhance the capacity of the Ministry of National Education, Youth and Sport, intended to benefit 150,000 primary and secondary students and 20,000 teachers.²⁵²⁸

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.²⁵²⁹ Children are employed in metal works, handicraft and artisan establishments,²⁵³⁰ as well as sales, construction work

²⁵²¹ ILO-IPEC, *All About IPEC: Programme Countries*, ILO-IPEC, [online] [cited June 13, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁵²² ILO-IPEC, *Lebanon: Child Labour on Tobacco Plantations: A Rapid Assessment*, Geneva, May 2002.

²⁵²³ U.S. Embassy- Beirut, *unclassified telegram no. 3065*, August 11, 2003, 2-3.

²⁵²⁴ Current efforts by the Ministry of Interior aimed at raising awareness on the issue of working street children include training police on the appropriate means of approaching working street children, preparation for a study on the extent of the problem, and a public television ad campaign on the issue. See *Ibid.*, 3.

²⁵²⁵ *Ibid.*, 4.

²⁵²⁶ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998: Lebanon*, CRC/C/70/Add.8, prepared by Government of Lebanon, pursuant to Article 44 of the Convention on the Rights of the Child, September 2000, paras. 173-74; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d11949f24a039688c1256ace00329028?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d11949f24a039688c1256ace00329028?Opendocument).

²⁵²⁷ UNICEF, *Preliminary Report on the Multiple Cluster Survey On the Situation of Children in Lebanon*, prepared by Government of Lebanon: Central Bureau of Statistics, February 2001; available from <http://childinfo.org/MICS2/newreports/lebanon/lebanon.pdf>.

²⁵²⁸ World Bank, *World Bank Approves Loan to Lebanon for General Education*, press release, Washington, D.C., March 31, 2000; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20017568~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html>. See also World Bank, *General Education Project*, in Projects Database, [online] 2003 [cited September 30, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P045174>.

²⁵²⁹ UNICEF's estimate derives from a broad definition of children's work represented as the proportion of children 6 to 14 years of age who are currently working (paid or unpaid; inside or outside the home). See UNICEF, *Preliminary Report on the Multiple Cluster Survey*, 33.

²⁵³⁰ ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii.

and the operation of machinery.²⁵³¹ Approximately 11 percent of working children are employed in agriculture.²⁵³² In 2000, national reports estimated that 25,000 children ages 7 to 14 were working in tobacco cultivation.²⁵³³ The majority of children working in tobacco cultivation are unpaid, some entering the labor force as early as 3 years old.²⁵³⁴ Reportedly, the employment of children under the age of 10 in other sectors is rare.²⁵³⁵ UNICEF estimates of all child labor in Lebanon, including unregistered labor, suggest that over half of the children ages 6 to 14 who are engaged in work are girls.²⁵³⁶ In poorer, more remote regions child labor is more prominent, and larger proportions of young children are economically active.²⁵³⁷ Palestinian refugee children in Lebanon are more likely to work than their Lebanese counterparts.²⁵³⁸

Children are involved in prostitution in Lebanon, and sometimes find themselves in situations that amount to forced labor.²⁵³⁹ There are no indications of child combatants in government armed forces, however children, including boys and girls as young as 8 years old, have been known to participate in various armed militia groups operating in the country.²⁵⁴⁰

In March 1998, the Government of Lebanon adopted legislation providing free and compulsory primary school education through the age of 12.²⁵⁴¹ Despite this legislation, education is not free. The average annual cost per

²⁵³¹ Ibid., 9.

²⁵³² 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: Lebanon*, 125–26.

²⁵³³ These estimates are based on a survey of 128 children working in tobacco cultivation in 4 districts of South Lebanon. The most widely cited reason for children engaging in child labor was economic need. The survey was conducted between July and September 2000 by the Consultation and Research Institute in Lebanon. See ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii, 7–8.

²⁵³⁴ Ibid., viii.

²⁵³⁵ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Lebanon*, 118.

²⁵³⁶ UNICEF, *Preliminary Report on the Multiple Cluster Survey*. For more specific figures on gender disparities in paid and unpaid child labor see UNICEF, *Preliminary Report on the Multiple Cluster Survey on the Situation of Children in Lebanon*, February 2001, 10–11; available from <http://childinfo.org/MICS2/newreports/lebanon/lebanon.pdf>. Illegal and undocumented child labor overlap and are excluded from official figures. Consequently, the MICS2 survey used a broader scope in order to incorporate these sectors. Child labor below the legal age limit is, for instance, included in the MICS2 survey, but not in official figures. See UNICEF, *Preliminary Report on the Multiple Cluster Survey*, 3, 10–11.

²⁵³⁷ ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, 8. It should also be pointed out that Syrian and Palestinian children are involved in child labor in Lebanon. See UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Lebanon*, 127.

²⁵³⁸ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Lebanon*.

²⁵³⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Lebanon*, Washington, D.C., March 31 2003, Sections 6c and f.; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18281.htm>. See also The Protection Project, “Lebanon,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from http://www.protectionproject.org/human_rights/countryreport/lebanon.htm. The country is also a destination point for trafficking victims primarily from Africa, Eastern Europe, and parts of Asia. See U.S. Department of State, *Trafficking in Persons Report- 2003: Lebanon*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003//21276.htm>. See also The Protection Project, “Human Rights Country Report- Lebanon.” The extent to which children are involved is unclear. See Emebet Kebede, *Ethiopia: An Assessment of the International Labour Migration Situation*. IOM, “New IOM Figures on the Global Scale of Trafficking,” *Trafficking in Migrants - Quarterly Bulletin* 23 April (2001); available from http://www.iom.int/documents/publication/en/tm_23.pdf.

²⁵⁴⁰ Coalition to Stop the Use of Child Soldiers, “Global Report 2001,” London, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/36f0ab38f2f12bdd80256b1e00442ff4?OpenDocument>. See also Human Rights Watch, *Stop the Use of Child Soldiers!*, [online] [cited October 2, 2003]; available from <http://www.hrw.org/campaigns/crp/index.htm>.

²⁵⁴¹ 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 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, 60.

student for primary education in 1997 was 271,000 Lebanese pounds (USD 176).²⁵⁴² Economically disadvantaged families, especially refugees, are often unable to afford the tuition costs for their children, and are compelled to withdraw them from school and send them to work.²⁵⁴³ Lebanon enjoys one of the most advanced educational systems in the Arab world in terms of quality and gender parity. Literacy rates are the highest in the Middle Eastern region.²⁵⁴⁴ In 2000, the gross primary enrollment rate was 98.9 percent, (100.6 percent for boys and 97.2 percent for girls), and the net primary enrollment rate was 74.2 percent (74.1 percent for boys and 74.3 percent for girls).²⁵⁴⁵ 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.²⁵⁴⁶

The progress in education is due in part to the high number of private schools in Lebanon.²⁵⁴⁷ Notwithstanding this progress, child labor negatively affects the education of working children in Lebanon.²⁵⁴⁸ 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 high dropout rates before reaching the secondary level.²⁵⁴⁹ Approximately 38 percent of working children are illiterate or have abandoned primary education entirely.²⁵⁵⁰

Child Labor Laws and Enforcement

The Labor Code of 1996 established the minimum age for employment at 14 years.²⁵⁵¹ In regard to the definition of the child and the minimum age for admission to employment, the Labor Code makes a distinction between two stages in the case of minors, children ages 13 and younger, and children ages 14 to 17. In the first stage, children are prohibited from engaging in any kind of work. In the second stage, consisting of the 14 to 17 age group, children may be employed under special conditions relating to matters such as working hours and conditions, type

²⁵⁴² Lebanon has a unique education system made up of public, private, and semi-private institutions. The government only contributes to public and semi-private institutions. The figure above refers to the average costs of government-supported primary education in the most recent year for which data are available. For a more detailed discussion, see *Ibid.*, Section 5.2. See also U.S. Embassy- Beirut official, electronic communication to USDOL official, March 31, 2004. See also William A. Rugh, "Arab Education: Tradition, Growth and Reform," *Middle East Journal* Vol. 56 No. 3 (2002), 402. See also UNDP, *Arab Human Development Report 2002*, Arab Fund For Economic and Social Development, 2002 [cited August 29, 2003], 55 [cited August 14, 2002]; available from <http://www.undp.org/rbas/ahdr/CompleteEnglish.pdf>. For currency conversion see FXConverter, in Oanda.com, [online] [cited July 18, 2003]; 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.

²⁵⁴³ There are Palestinian, Sudanese, Syrian, Iraqi and Somali children residing in Lebanon as refugees. The U.N. estimates that 18 percent of street children in Lebanon are Palestinian. See U.S. Department of State, *Country Reports- 2002: Lebanon*, Section 5. See also Lebanese NGO Forum, *Problems Encountered by Refugees*, [online] [cited October 1, 2003]; available from <http://www.lnf.org.lb/migrationnetwork/ngo2.html>.

²⁵⁴⁴ UNDP, *Arab Human Development Report 2002*, 55. See also Rugh, "Arab Education: Tradition, Growth and Reform," 402. Although Rugh states 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: 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; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/01/20/000094946_01010905322286/Rendered/PDF/multi_page.pdf.

²⁵⁴⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁵⁴⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵⁴⁷ UNDP, *Arab Human Development Report 2002*, 55. See also Rugh, "Arab Education: Tradition, Growth and Reform," 402.

²⁵⁴⁸ UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties: Lebanon*, 127.

²⁵⁴⁹ ILO-IPEC, *Child Labour on Tobacco Plantations: A Rapid Assessment*, viii.

²⁵⁵⁰ *Ibid.*, 9.

²⁵⁵¹ Government of Lebanon, *Code du Travail- Travail des enfants*, Loi no 536, (July 24, 1996); available from <http://natlex.ilo.org/txt/F93LBN01.htm#t1c2>.

of work and so on.²⁵⁵² In addition, it is illegal to employ a child under the age of 15 in industrial enterprises that are harmful or detrimental to their health, or to hire youth below the age of 16 in dangerous environments that threaten their life, health or morals.²⁵⁵³ There are no laws specifically prohibiting trafficking.²⁵⁵⁴ The law allows for the establishment of licensed brothels in certain areas, providing that women working in such establishments are at least 21 years old and undergo regular medical examinations.²⁵⁵⁵ Despite the age restrictions, the commercial sexual exploitation of children is reported to occur, and in 2002, the police identified and disbanded several child prostitution rings in Lebanon.²⁵⁵⁶ MOL is responsible for the enforcement of child labor laws, through its labor inspectors, but the Ministry lacks adequate resources to be effective. According to MOL, the Ministry has 75 labor inspectors nationwide.²⁵⁵⁷

The Government of Lebanon ratified ILO Convention 138 on June 10, 2003 and ILO Convention 182 on September 11, 2001.²⁵⁵⁸

²⁵⁵² A 1999 amendment to the Labor Code forbids the employment of children under the age of 18 for more than 6 hours per day. The amendment also requires a 13-hour period of rest between workdays. In addition, 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 18 must pass a medical examination to ensure that they can undertake the work for which they are to be engaged, and the prospective employer must request the child's identity card to verify his or her age. See Government of Lebanon, *Modifiant les dispositions des articles 23 et 25 du Code du travail*, (June 14, 1999); available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

²⁵⁵³ *Code du Travail*. These types of work include underground mines and quarries, manufacturing of alcohol, chemicals, explosives, asphalt, work in tanneries or with machinery.

²⁵⁵⁴ U.S. Department of State, *Country Reports- 2002: Lebanon*, Section 6f.

²⁵⁵⁵ Dr. Mohamed Y. Mattar, "Trafficking in Persons, Especially Women and Children, in Countries of the Middle East," *Fordham International Law Journal* 26 721 (March 2003), 7; available from <http://209.190.246.239/article.pdf>. See also U.S. Department of State, *Country Reports- 2002: Lebanon*, Section 5.

²⁵⁵⁶ U.S. Department of State, *Country Reports- 2002: Lebanon*, Section 5.

²⁵⁵⁷ *Ibid.*, Section 6d. See also U.S. Embassy- Beirut, *unclassified telegram no. 3065*. See also U.S. Embassy- Beirut, *unclassified telegram no. 3532*, September 2000.

²⁵⁵⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. See also U.S. Embassy- Beirut, *unclassified telegram no. 3065*, 1.

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

The Government of Lesotho established a National Child Labor Support Group that includes representatives from the Ministries of Labor, Education, Social Welfare, and Youth Affairs, organized labor, NGOs and UNICEF. The group began developing an action plan in 2001 to address child labor.²⁵⁵⁹ In 2000, the government collaborated with UNICEF to conduct a multi-sectoral assessment on child labor.²⁵⁶⁰

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.²⁵⁶¹ To date, the government covers the cost of schooling for first through fifth grades, and it expects free education to be universal through grade seven by the year 2006.²⁵⁶² With a loan from the World Bank in 2002, the Ministry of Education is implementing an education sector development project to improve the access and quality of education for children.²⁵⁶³ The government is collaborating with UNICEF on administering several educational programs including non-formal, early childhood, and primary education.²⁵⁶⁴

Incidence and Nature of Child Labor

In 2000, the Government of Lesotho and UNICEF estimated that 29 percent of children ages 5 to 17 years were working.²⁵⁶⁵ Due to poverty, unemployment, and orphaning of children because of HIV/AIDS, the employment of children is becoming increasingly problematic.²⁵⁶⁶ Boys as young as four or five are employed in hazardous conditions as livestock herders in the highlands, either for their family or through an arrangement where parents hire out their sons.²⁵⁶⁷ Child homelessness is also an increasing problem,²⁵⁶⁸ and some homeless street children reportedly find work as prostitutes.²⁵⁶⁹ Children also work as domestics, car washers, taxi fare collectors, and

²⁵⁵⁹ U.S. Embassy- Johannesburg, *unclassified telegram no. 1406*, November 20, 2001.

²⁵⁶⁰ Ibid. See also Government of Lesotho Bureau of Statistics, *2000 End Decade Multiple Indicator Cluster Survey (EMICS)*, UNICEF, Maseru, May 28, 2002; available from <http://www.childinfo.org/MICS2/newreports/lesotho/lesotho.pdf>.

²⁵⁶¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Lesotho*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18210.htm>.

²⁵⁶² "Statement by His Majesty King Letsie III, Head of State of the Kingdom of Lesotho" (paper presented at the 27th Special Session of the United Nations General Assembly on Children, New York, May 8, 2002); available from <http://www.un.org/ga/children/lesothoE/htm>, "Statement by His Majesty King Letsie III, Head of State of the Kingdom of Lesotho" (paper presented at the 27th Special Session of the United Nations General Assembly on Children, New York, May 8, 2002); available from <http://www.un.org/ga/children/lesothoE/htm>. See also *Second Country Cooperation Framework for Lesotho (2002-2004)*, United Nations Development Programme and the United Nations Population Fund, New York, 2001; available from <http://www.undp.org/execbrd/pdf/crrles.PDF>. See also U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 5. See also U.S. Embassy — Maseru, electronic communication to USDOL official, February 19, 2004.

²⁵⁶³ *Education Sector Development Project II*, The World Bank, [online] May 28, 2003 [cited June 2, 2003]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P056416>. Lesotho's poverty limits educational opportunities for all its citizens.

²⁵⁶⁴ U.S. Embassy- Maseru, *unclassified telegram no. 422*, June 21, 2000.

²⁵⁶⁵ Government of Lesotho Bureau of Statistics, *MICS Survey: Lesotho*. The survey findings showed that 15.5 percent of children ages 5-9 years, 32.3 percent of children ages 10-14 years, and 46.2 percent of children ages 15-17 years, are currently working. In 2001, the ILO estimated that 20.5 percent of children ages 10 to 14 engage in economic activity. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁵⁶⁶ U.S. Embassy- Maseru, *unclassified telegram no. 0599*, September 2, 2003.

²⁵⁶⁷ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 5. See also U.S. Embassy- Maseru, *unclassified telegram no. 422*. See also Todd Bensman, "Thousands Sold into Servitude in Lesotho as 'Herder Boys,'" *Pew International Journalism Program Stories 1998*; available from http://www.pewfellowships.org/stories/lesotho.herder_boys.html.

²⁵⁶⁸ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 5. For more information on the effect of HIV/AIDS on families and children, see U.S. Embassy- Johannesburg, *unclassified telegram no. 1406*.

²⁵⁶⁹ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 5.

vendors.²⁵⁷⁰ Children are less likely to be found working in the formal sector, due to the high unemployment rate for adults.²⁵⁷¹

Currently, primary education through grade five is free.²⁵⁷² Education is not compulsory in Lesotho.²⁵⁷³ In 2000, the gross primary enrollment rate was 115.0 percent, and the net primary enrollment rate was 78.0 percent.²⁵⁷⁴ Rural children often work to support the family, and poverty makes school fees unaffordable.²⁵⁷⁵ The problem of school absenteeism affects boys disproportionately, as livestock herding is considered a cultural prerequisite to manhood.²⁵⁷⁶ Primary school attendance rates are unavailable for Lesotho. In 1999, 74.5 percent of children enrolled in primary school reached grade five.²⁵⁷⁷ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁵⁷⁸

Child Labor Laws and Enforcement

The Labor Code of 1992 establishes 15 years as the minimum age for employment, although children between 13 and 15 may perform light work in a technical school or approved institution.²⁵⁷⁹ The Labor Code prohibits employment of children in work that is harmful to their health or development.²⁵⁸⁰ There are no specific laws prohibiting trafficking in persons,²⁵⁸¹ but Proclamation No. 14 of 1949 imposes penalties for the procurement of women or girls for purposes of prostitution.²⁵⁸²

The Ministry of Labor and Employment's Inspectorate has weakly enforced statutory child labor prohibitions in the past, but it is now adequately staffed and its inspectors conduct quarterly inspections.²⁵⁸³ An employer found guilty of hiring underage children or using child workers for hazardous work can be imprisoned for 6 months, required to pay a fine of M600.00 (USD 82.00), or both.²⁵⁸⁴

The Government of Lesotho ratified ILO Convention 138 and ILO Convention 182 on June 14, 2001.²⁵⁸⁵

²⁵⁷⁰ 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.*, Section 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

²⁵⁷¹ U.S. Embassy- Maseru, *unclassified telegram no. 0599*. The cost-effectiveness of hiring children rather than adults is limited because so many adults are unemployed and available to work.

²⁵⁷² U.S. Embassy — Maseru, electronic communication.

²⁵⁷³ U.S. Embassy- Maseru, *unclassified telegram no. 422*.

²⁵⁷⁴ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁵⁷⁵ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 5.

²⁵⁷⁶ *Ibid.*

²⁵⁷⁷ World Bank, *World Development Indicators 2003*.

²⁵⁷⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁵⁷⁹ U.S. Embassy- Maseru, *unclassified telegram no. 0599*. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

²⁵⁸⁰ *The Effective Abolition of Child Labor: Lesotho*, ILO-IPEC, Geneva, 2001; available from <http://www.ilo.org/public/english/standards/relm/gbdocs/gb280/pdf/gb-3-2-abol.PDF>.

²⁵⁸¹ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 6f.

²⁵⁸² UNICEF Eastern and Southern Africa Regional Office and African Network for the Prevention and Protection of Children against Child Sexual Abuse and Neglect, "Lesotho," in *Partnership Project on Sexual Exploitation and Children's Rights: Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region: Draft Consultancy Report* Nairobi, 2001; available from <http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html>.

²⁵⁸³ U.S. Department of State, *Country Reports- 2002: Lesotho*, Section 6d. See also U.S. Embassy- Maseru, *unclassified telegram no. 0599*.

²⁵⁸⁴ U.S. Embassy- Maseru, *unclassified telegram no. 0599*. For currency conversion, see FXConverter, in Oanda.com, [online] [cited September 22, 2003]; available from <http://www.oanda.com/convert/classic>.

²⁵⁸⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 12, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.²⁵⁸⁶ In 2003, USD 400,000 was allotted under this program for spending on victim support, education, and improving legal capacity.²⁵⁸⁷ In 2000, the Parliament created the position of Child Ombudsman to centralize advocacy efforts for children's rights.²⁵⁸⁸ The Council for Children's Affairs was established under the jurisdiction of the President to address problems related to the protection of children's rights.²⁵⁸⁹ In November 2001, an interdepartmental task force was established to develop a strategy to address the problem of neglected children and street children.²⁵⁹⁰ In January 2002, the government approved a Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002-2004.²⁵⁹¹ The program concentrated on the causes of prostitution and trafficking; preventive measures; and on providing social, psychological, and legal support to victims of prostitution and trafficking.²⁵⁹²

With funding and assistance from the World Bank, the government is implementing a National Poverty Reduction Strategy in order to assist vulnerable populations, including at risk children.²⁵⁹³ 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.²⁵⁹⁴ In coordination with NGOs, the media, and IOM, the government has carried out a number of anti-trafficking publicity campaigns since 2001.²⁵⁹⁵ The World Bank also funds an education project, started in 2002, aimed at improving student achievement in basic education.²⁵⁹⁶

²⁵⁸⁶ 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. See U.S. Embassy-Vilnius, *unclassified telegram no. 991*, August 20, 2003.

²⁵⁸⁷ U.S. Embassy-Vilnius, *unclassified telegram no. 2335*, October 29, 2002.

²⁵⁸⁸ State Secretary of the Ministry of Social Security and Labor Valdas Rupsys, 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, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8287.htm>.

²⁵⁸⁹ The council is comprised of 10 representatives from NGOs and six representatives from State institutions. See 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.

²⁵⁹⁰ The task force is made up of representatives from the Ministries of Social Security and Labor, Education and Science, and Interior. See U.S. Department of State, *Country Reports- 2001: Lithuania*, 1600-03, Section 5.

²⁵⁹¹ U.S. Embassy-Vilnius, electronic communication to USDOL official, February 24, 2004.

²⁵⁹² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Lithuania*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18377pf.htm>. In 2002, with the help of NGOs, the government conducted two information and education campaigns. The Education Ministry utilized its regional network to concentrate on the prevention among potential victims of trafficking and sexual abuse. Further, schools address trafficking issues during religion and ethics classes and a toll-free hotline for students and parents provides information on sexual abuse and trafficking. See U.S. Department of State, *Trafficking in Persons Report-2003: Lithuania*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#lithuania>.

²⁵⁹³ See Valdas Rupsys, letter, September 2000. Since 1996, the Government of Lithuania received two Structural Adjustment Loans from the World Bank with the main objective to reduce poverty. See World Bank, *Structural Adjustment Loan Project*, [online] 1996 [cited September 11, 2003]; available from <http://www.worldbank.lt/P044056.htm>. See also World Bank, *Structural Adjustment Loan Project (02)*, [online] 2000 [cited September 11, 2003]; available from <http://www.worldbank.lt/P068706.htm>.

²⁵⁹⁴ 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>.

²⁵⁹⁵ U.S. Department of State, *Country Reports- 2002: Lithuania*, Section 6f.

²⁵⁹⁶ The Education Improvement Project will upgrade teaching skills and improve educational facilities, among other aims. See World Bank, *Education Improvement Project*, [online] September 11, 2002 [cited September 11, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P070112>.

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.²⁵⁹⁷ There are reports of children as young as 11 years old working as prostitutes in brothels in Lithuania. According to UNICEF estimates, 20 to 50 percent of prostitutes in Lithuania could be minors.²⁵⁹⁸ Organized crime figures are reported to use coercive means to traffic Lithuanian girls into prostitution abroad, particularly to Western European countries.²⁵⁹⁹

The Law on Education provides for schooling that is free of charge and compulsory from the age of 6 or 7 to 16 years.²⁶⁰⁰ The law was amended in 1998, establishing 10 years of basic education and the admission of students aged 14 to vocational schools.²⁶⁰¹ The Constitution guarantees compulsory education for children under the age of 16 years.²⁶⁰² In 2000, the gross primary enrollment rate was 101.3 percent, and the net primary enrollment rate was 94.6 percent.²⁶⁰³ Primary school attendance rates are unavailable for Lithuania.²⁶⁰⁴

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.²⁶⁰⁵ 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.²⁶⁰⁶ The Law on Labor Protection prohibits children under 18 years old from working in hazardous conditions, night work or overtime work.²⁶⁰⁷ According to this law, children

²⁵⁹⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties, Addendum: Lithuania*, para. 253.

²⁵⁹⁸ UNICEF, *Profiting From Abuse: An Investigation into the Sexual Exploitation of our Children* (New York: 2001), 7; available from <http://www.unicef.org/pubsgen/profitng/index.html>.

²⁵⁹⁹ There are reports of some young Lithuanian women and girls trafficked to Holland, Germany, and other EU member states. Some of the victims trafficked into Lithuania are from Ukraine, Belarus, and Latvia. See U.S. Department of State, *Country Reports- 2002: Lithuania*, Section 6f. See Agence France-Presse, “Finnish Conference Examines Threats to Women, Children,” 2003; available from http://www.unwire.org/UNwire/20030604/34084_story.asp. 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.

²⁶⁰⁰ *Law on Education*, No. I-1489, (June 25, 1991), Articles 13, 19(1), 21(2); available from <http://www.litlex.lt/Litlex/Eng/Frames/Laws/Documents/77.htm>.

²⁶⁰¹ 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*, [online] April 2000; available from http://nt5.scbs.com/cgi-bin/om_isapi.dll?clientID=405589&infobase=iwde.nfo&softpage=PL_frame.

²⁶⁰² *Constitution of Lithuania*, (October 25, 1992), Article 41; available from http://www.uni-wuerzburg.de/law/lh00000_.html.

²⁶⁰³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁶⁰⁴ Data from the 2001 census indicates that about 1.2 percent of children ages 7 to 16 did not attend school. See Lithuanian Department of Statistics, press release, August 28, 2002, as cited in U.S. Embassy—Vilnius, electronic communication to USDOL official, March 5, 2004. The Ministry of Education Social Policy Department reports that in 2003, school drop-outs constitute 14.3 percent of all school-going children. See U.S. Embassy—Vilnius, electronic communication, March 5, 2004.

²⁶⁰⁵ *Republic of Lithuania Law on Employment Contract*, No. I-1489, (June 25, 1991); available from http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm. See also the Law on Labor Protection, which stipulates that the Government of Lithuania establish the jobs and working conditions under which children under 18 years may be employed. See also *Republic of Lithuania Law on Labor Protection*, No. I-266, (October 7, 1993), Article 59; available from http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm.

²⁶⁰⁶ *Republic of Lithuania Law on Labor Protection*, Article 58.

²⁶⁰⁷ *Ibid.* The Law on Labor Protection defines hazardous working conditions as the “working environment of working process factor which, under certain accidental circumstances, may cause an employee to be traumatized or killed or which may suddenly worsen an employee’s health.” A harmful factor in working conditions is defined as “the factor of the working environment due to which an employee may lose functional capacity or fall ill (or contract an occupational disease), or whose long lasting influence may be hazardous to life.” See *Republic of Lithuania Law on Labor Protection*, Article 58.

between ages 14 and 16 may work 24 hours per week, and children between ages 16 and 18 may work 36 hours per week.²⁶⁰⁸ 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.²⁶⁰⁹ Resolution No. 1055 includes a list of jobs and conditions that are considered dangerous for children from 13 to 18 years old.²⁶¹⁰ Resolution No. 138, approved by the government on January 29, 2003, provides a list of jobs that are forbidden for children under 18 years.²⁶¹¹ A new Criminal Code came into force on May 1, 2003, which includes a section on crimes against children that addresses the worst forms of child labor.²⁶¹² Forced labor is prohibited by the Constitution.²⁶¹³

Trafficking is a crime in Lithuania. The Criminal Code prescribes 6 to 12 years imprisonment for trafficking in persons involving a juvenile.²⁶¹⁴ According to Article 239 of the Criminal Code, forcing the prostitution of a juvenile is punishable by imprisonment from 3 to 7 years.²⁶¹⁵ According to Article 242 of the Criminal Code, the punishment for exploiting children under the age of 18 in the production of pornography is up to 4 years in jail; however, there is no official data on cases of children exploited for the purpose of pornography.²⁶¹⁶

The State Labor Inspectorate enforces the country's child labor laws and investigates complaints related to employment of children under 18 years old.²⁶¹⁷ In 2003, the State Inspectorate conducted inspections in 103 different companies that employed young people and found 4 violations of conditions of employment for people under 18 years.²⁶¹⁸

The Government of Lithuania ratified ILO Convention 138 on June 22, 1998 and ILO Convention 182 on March 25, 2003.²⁶¹⁹

²⁶⁰⁸ Republic of Lithuania Law on Labor Protection, Article 41.

²⁶⁰⁹ Law on Fundamentals of Protection of the Rights of the Child, No I-1234, (March 14, 1996), Article 39, 40, and 42; available from http://www.litlex.lt/Litlex/Eng/Frames/Laws/Fr_laws.htm.

²⁶¹⁰ Valdas Rupsys, letter, September 2000.

²⁶¹¹ U.S. Embassy–Vilnius, *unclassified telegram no. 2335*. See also

²⁶¹² Republic of Lithuania Criminal Code of May 1, 2003, Articles 147 and 156–164 as cited in U.S. Embassy—Vilnius, electronic communication, February 24, 2004.

²⁶¹³ Law on Fundamentals of Protection of the Rights of the Child, Article 48.

²⁶¹⁴ The Criminal Code was amended on July 29, 1998, to include Article 131, Trafficking in Human Beings. See Criminal Codes as cited in Igoris Bazylevas and Renaldas Zekonis, *Prevention and Control of Trafficking in Human Beings in Lithuania* (Vilnius: S. Smirnov Publishing, 2003).

²⁶¹⁵ Ibid.

²⁶¹⁶ Bazylevas and Renaldas Zekonis, *Prevention and Control of Trafficking in Human Beings in Lithuania*. See also U.S. Department of State, *Country Reports- 2002: Lithuania*.

²⁶¹⁷ U.S. Embassy–Vilnius, *unclassified telegram no. 2335*.

²⁶¹⁸ “Republic of Lithuania, State Labor Inspectorate”, as cited in U.S. Embassy—Vilnius, electronic communication, February 24, 2004.

²⁶¹⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 5, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. See also U.S. Embassy–Vilnius, *unclassified telegram no. 991*.

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, which is responsible for all child-related matters and is in charge of the Department for Child Protection.²⁶²⁰ In 1999, the government signed a trans-border crime agreement as part of an effort to prevent trafficking and develop an effective transnational database mechanism.²⁶²¹ In addition, the government is working with OSCE and IOM on prevention, protection and law enforcement projects to combat trafficking.²⁶²² The countries of the Stability Pact, including Macedonia, signed the “Anti-Trafficking Declaration” in December 2000, which established country coordinators tasked with coordinating activities, exchanging information, and preparing progress reports.²⁶²³ Following this declaration, the government finalized a National Action Plan to combat trafficking.²⁶²⁴ In December 2002, the government signed another joint declaration with other Southeastern European nations to better assist victims of trafficking.²⁶²⁵ The government hosted an international conference on this topic in May 2003 to strengthen regional cooperation.²⁶²⁶

UNICEF is working to increase access to schools by implementing projects that improve the overall quality of education²⁶²⁷ as well as enhance services for vulnerable children, and promote and monitor the implementation of the Convention of the Rights of Children.²⁶²⁸ The government also works with Catholic Relief Services on civic education activities, school reconstruction, and organizing parent groups in elementary schools.²⁶²⁹ The World Bank currently supports several projects in Macedonia. The Children and Youth Development Project aims to integrate at risk youth from different socio-cultural backgrounds, strengthen institutional capacity, and contribute to the implementation of the Children and Youth Strategy.²⁶³⁰ The Community Development Project is rehabilitating school heating systems as well as providing school furniture and financing social services.²⁶³¹

²⁶²⁰ U.S. Embassy– Skopje, *unclassified telegram no. 2616*, November 26, 2001. See also UNICEF FYR Macedonia, *Ombudsperson for Children*, UNICEF, [online] 2003 [cited July 2, 2003]; available from http://www.unicef.org/macedonia/protection/protection_rights_content.htm.

²⁶²¹ 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, 97. The Government of Macedonia has participated in regional anti-trafficking efforts through the initiative’s Regional Center for Combating Transborder Crime. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

²⁶²² 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 UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, 97.

²⁶²³ Stability Pact, “Stability Pact Countries Sign Anti-Trafficking Declaration”, December 13, 2000 [cited July 2, 2003]; available from http://www.osce.org/odihr/attf/doc_4tfa.php3.

²⁶²⁴ Government of Macedonia, *National Action Plan for Illegal Trafficking in Humans and Illegal Migration in the Republic of Macedonia*, online; available from http://www.osce.org/odihr/attf/pdf/nap_mk.pdf.

²⁶²⁵ The commitment ensures that countries stop the immediate deportation of trafficked persons and to offer them shelter, as well as social, health, and legal assistance. See Alban Bala, *Southeastern Europe: Governments Shift Their Focus In Fighting Human Trafficking*, Radio Free Europe: Radio Liberty, [online] December 13, 2002 [cited July 2, 2003]; available from <http://www.rferl.org/nca/features/2002/12/13122002200939.asp>.

²⁶²⁶ NATO On-line Library, *High-level Conference on Improving Border Security*, NATO, [online] May 16, 2003 [cited July 2, 2003]; available from <http://www.nato.int/docu/pr/2003/p03-045e.htm>.

²⁶²⁷ UNICEF FYR Macedonia, *UNICEF’S Priority: Education Objectives*, UNICEF, [online] [cited July 1, 2003]; available from <http://www.unicef.org/macedonia/education/educationContent.htm>.

²⁶²⁸ Ibid.

²⁶²⁹ Catholic Relief Services, *Macedonia*, Catholic Relief Services, [online] Summer 2002 [cited July 1, 2003]; available from http://www.catholicrelief.org/where_we_work/eastern_europe_&_the_caucasus/macedonia/index.cfm.

²⁶³⁰ World Bank, *Children and Youth Development Project*, World Bank, [online] June 4, 2003 [cited June 13, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P073483>.

²⁶³¹ World Bank, *Community Development Project*, World Bank, [online] June 4, 2003 [cited June 13, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P076712>.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that less than 1 percent of children ages 10 to 14 years in Macedonia were working.²⁶³² In rural areas, it has been reported that children leave school early to assist with agricultural duties.²⁶³³ Children work in the informal sector, in illegal small businesses,²⁶³⁴ and on the streets and in markets selling cigarettes and other small items.²⁶³⁵ Trafficking of girls, especially for prostitution and pornography, is an ongoing concern.²⁶³⁶

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.²⁶³⁷ 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.²⁶³⁸ Police also reported that Macedonia has been used as a transit country for children trafficked from Albania to Greece to work in forced labor.²⁶³⁹ 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.²⁶⁴⁰

The Constitution mandates free and compulsory primary education and all children are guaranteed equal access,²⁶⁴¹ although parents must provide children with books and supplies.²⁶⁴² The Law on Primary Education specifies that education is compulsory for eight years, normally between the ages of 7 to 15.²⁶⁴³ In 2000, the gross

²⁶³² The ILO reported that 0.02 percent of children in this age group were economically active. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁶³³ UN Committee on the Rights of the Child, "Initial Report of States Parties due in 1993: Government of the Former Yugoslav Republic of Macedonia" (Geneva, July 27, 1997), CRC /C/Add.36, para. 202; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.8.Add.36.EN?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.8.Add.36.EN?OpenDocument).

²⁶³⁴ U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: The Former Yugoslav Republic of Macedonia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18379.htm>.

²⁶³⁵ UN Committee on the Rights of the Child, "Initial Reports of States Parties: FYROM", para. 246. See also U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 6d.

²⁶³⁶ U.S. Department of State, *Trafficking in Persons Report- 2002: The Former Yugoslav Republic of Macedonia*, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276>. See also U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 6f. See also UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*.

²⁶³⁷ UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, 94. See also U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 6f.

²⁶³⁸ UNICEF: Area Office for the Balkans, *Trafficking in Human Beings in Southeastern Europe*, 94.

²⁶³⁹ Ibid.

²⁶⁴⁰ Coalition to Stop the Use of Child Soldiers, "Macedonia," in *Global Report 2001*, London, 2001, [cited July 1, 2003]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/3b74c32135ce7d2880256b1e0046fe5b?OpenDocument>.

²⁶⁴¹ *Constitution of Macedonia, 1991*, (November 17, 1991), Article 44 [cited July 2, 2003]; available from http://www.uni-wuerzburg.de/law/mk00000_.html.

²⁶⁴² The Ministry of Education is proposing that the government provide these materials free of charge through primary school. Transportation is also free for students. See U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 5.

²⁶⁴³ UN Committee on the Rights of the Child, "Initial Reports of States Parties: FYROM", para. 20. See also U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

primary enrollment rate was 98.9 percent and the net primary enrollment rate was 92.4 percent.²⁶⁴⁴ In 1995, 95.39 percent of children enrolled in primary school reached grade 5.²⁶⁴⁵ 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.²⁶⁴⁶ Dropout rates for girls in primary and secondary school are high, particularly among ethnic Roma or Albanian children.²⁶⁴⁷

Child Labor Laws and Enforcement

The Constitution and Labor Relations Act set the minimum age for employment at 15 years.²⁶⁴⁸ 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.²⁶⁴⁹ The Constitution prohibits forced labor.²⁶⁵⁰ 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.²⁶⁵¹ Individuals convicted of instigating, recruiting or procuring a child for prostitution shall be punished with imprisonment of three months to five years.²⁶⁵² Articles in the criminal code related to prostitution and forced labor are used to prohibit and punish those involved in trafficking in persons. Seventy trafficking-related charges have been brought against more than 100 perpetrators, with a result of 11 convictions from April 2002 to March 2003.²⁶⁵³ 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.²⁶⁵⁴ The Ombudsperson for the Rights of Children has processed 50 cases of child rights violations and reports to Parliament on an annual basis.²⁶⁵⁵

The Government of Macedonia ratified ILO Convention 138 on November 17, 1991 and ILO Convention 182 on May 30, 2002.²⁶⁵⁶

²⁶⁴⁴ World Bank, *World Development Indicators 2003*.

²⁶⁴⁵ Ibid.

²⁶⁴⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁶⁴⁷ This is due in part to cultural tradition concerning girls participation in school as well as due to a lack of classes in minority languages. See U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 5. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: The Former Yugoslav Republic of Macedonia*, CRC/C/15/Add.118, February 23, 2000, para. 42; available from <http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-15-add118.htm>. See also U.S. Embassy- Skopje, *unclassified telegram no. 2616*.

²⁶⁴⁸ *Constitution of Macedonia, 1991*, Article 42(1). In addition, the minimum age for work in mines is 18. See *Labor Relations Act: Macedonia*, (December 27, 1993), Section 7; available from <http://www.natlex.ilo.org/txt/E93MKDO2.htm>.

²⁶⁴⁹ *Labor Relations Act: Macedonia, 1993*, Sections 63, 66 and 67.

²⁶⁵⁰ *Constitution of Macedonia, 1991*, Article 11(2).

²⁶⁵¹ *Criminal Code of Macedonia*, as cited in The Protection Project Legal Library, [database online]; available from <http://209.190.246.239/protectionproject/statutesPDF/MacedoniaFpdf>. See also UN Committee on the Rights of the Child, "Initial Reports of States Parties: FYROM", para. 259.

²⁶⁵² *Criminal Code*.

²⁶⁵³ U.S. Department of State, *Trafficking in Persons Report: Macedonia*.

²⁶⁵⁴ *Labor Relations Act: Macedonia, 1993*, Section 139. See also U.S. Department of State, *Country Reports- 2002: Macedonia*, Section 6d. According to the government, no cases of child labor are filed with the Ministry. See Oliver Krliu, letter to USDOL official, September 14, 2000.

²⁶⁵⁵ U.S. Embassy- Skopje, *unclassified telegram no. 2616*. See also UNICEF FYR Macedonia, *Ombudsperson for Children*.

²⁶⁵⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 30, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Madagascar has been a member of ILO-IPEC since 1998.²⁶⁵⁷ In 2003, the Ministry of Labor and ILO-IPEC conducted a child labor awareness campaign in the capital cities of Madagascar's provinces.²⁶⁵⁸ The government launched an action plan in 2001 to eliminate the worst forms of child labor, which included programs to remove child workers from the informal sector in the major cities.²⁶⁵⁹ ILO-IPEC, in coordination with the government, has implemented three programs to remove children from working in quarries through prevention and education efforts.²⁶⁶⁰ The government is also working with ILO-IPEC to compile all laws and texts governing child labor and make them more widely available, and to create a new list of occupations that represent the worst forms of child labor in the country.²⁶⁶¹

The government has created a national interministerial steering committee to coordinate and supervise all activities related to child labor and to provide support in the implementation of child labor action plans.²⁶⁶² Child labor issues are included in conferences, in-service workshops, and training curricula for labor inspectors.²⁶⁶³ The government has collaborated with UNICEF and ILO-IPEC to conduct a survey and studies on child prostitution.²⁶⁶⁴ The Ministry of Labor also cooperates with NGOs that attempt to reduce or eliminate child labor.²⁶⁶⁵ It has been reported that the government will be providing additional funds for child labor-related activities through the Public Investment Program in the future.²⁶⁶⁶

The Education of Girls Office in the Ministry of Education has implemented an assisted home study program that provides non-traditional education for working children.²⁶⁶⁷ The Ministry of Education has also promoted educational opportunities through a safety net program for public primary schools that loans books to primary schools, renovates and expands schools, and increases staff.²⁶⁶⁸ With a loan from the World Bank, the Ministries of Education and Higher Education are focusing on ensuring universal basic education and improving the overall quality of education in the country.²⁶⁶⁹ A loan from the African Development Bank funded a project with a similar goal of supporting universal basic education.²⁶⁷⁰ Funding from the World Bank, UNICEF, and other

²⁶⁵⁷ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 11, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁶⁵⁸ U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*, August 2003.

²⁶⁵⁹ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*, October 2001.

²⁶⁶⁰ Ibid.

²⁶⁶¹ Ibid. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*. In early 2002, the government, with support from Unicef, released a compilation of Madagascar laws and international conventions relating to children's rights.

²⁶⁶² U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁶³ Ibid.

²⁶⁶⁴ Ibid.

²⁶⁶⁵ Mamy Ratovomalala, letter to Ambassador of the United States of America in Madagascar, September 4, 2000.

²⁶⁶⁶ U.S. Embassy- Antananarivo, *unclassified telegram no. 0863*. At least some of the funds will likely be used to build additional youth centers that provide children engaged in the worst forms of child labor with education, training, and job placement services.

²⁶⁶⁷ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

²⁶⁶⁸ Ibid.

²⁶⁶⁹ World Bank, *Madagascar: Education Section Development Project*, in Projects Database, [database online] May 15, 2003 [cited May 19, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001559>.

²⁶⁷⁰ *Project Information Sheet: Project Education III*, The African Development Bank, [online] [cited May 19, 2003]; available from http://www.afdb.org/projects/projects/madagascar_education3.htm.

donors supports the School Nutrition Program, which is implemented by the Ministry of Secondary and Basic Education. This program seeks to meet the nutritional needs of school children ages 3 to 14 years, and is due to finish in 2003.²⁶⁷¹

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 35.7 percent of children ages 5 to 14 years in Madagascar were working.²⁶⁷² Most child labor occurs in the agricultural sector, where children work as unpaid laborers on family farms,²⁶⁷³ while other children work as domestic servants for third parties in both rural and urban areas.²⁶⁷⁴ Children also work in the commercial and industrial sectors.²⁶⁷⁵ In urban areas, children work as petty traders and casual transport workers.²⁶⁷⁶ Some children are also employed in the clandestine mining sector.²⁶⁷⁷

The commercial sexual exploitation of children occurs and is on the rise in Madagascar, particularly in tourist areas and coastal fishing areas.²⁶⁷⁸ In December 2003, the government, in collaboration with ILO-IPEC and UNICEF, released a study estimating that approximately 3,000 children, mostly girls between the ages of 13 and 18, engaged in prostitution in three of Madagascar's largest cities (Antananarivo, Toamasina, and Mahajanga).²⁶⁷⁹ The study cited poverty, permissive societal attitudes, peer pressure, and inadequate law enforcement as contributing factors in such sexual exploitation.²⁶⁸⁰ There have been reports in recent years that women and girls were trafficked between Madagascar, Reunion, a French overseas department, and Mauritius for the purpose of prostitution.²⁶⁸¹

Primary education is free and compulsory.²⁶⁸² Enforcement of compulsory education laws is generally weak.²⁶⁸³ In 2000, the gross primary enrollment rate was 103.1 percent, and the net primary enrollment rate was 67.7

²⁶⁷¹ *Madagascar*, School Health, [online] [cited May 19, 2003]; available from <http://www.schoolsandhealth.org/countries/madagascar.htm>. See also World Bank, *Community Nutrition Project II*, in Projects Database, [database online] May 15, 2003 [cited May 19, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P001568>.

²⁶⁷² Working children are defined as those working for payment or those carrying out more than four hours of domestic work a day. See Demographie et des Statistiques Sociales, *MICS 2000 Madagascar Rapport Complet*, UNICEF, 2000, 144 and 42; available from <http://www.childinfo.org/MICS2/newreports/madagascar/madagascar.PDF>. In 2001, the World Bank reports that 33.76 percent of children ages 10-14 are in the labor force. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁶⁷³ According to a 1993-1994 labor force survey, 94 percent of working children between 7 and 14 years of age engage in agricultural activities. Nine times out of 10, family work is unpaid. See Francois Roubaud and Diane Coury, *Le travail des enfants au Madagascar: Un etat des lieux*, MAG/97/M01/FRA, ILO-IPEC, Geneva, 1997. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁴ Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁵ 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 Roubaud and Coury, *Le travail des enfants au Madagascar*. See also Demographie et des Statistiques Sociales, *MICS Madagascar*.

²⁶⁷⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Madagascar*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18212.htm>. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, and. See also Roubaud and Coury, *Le travail des enfants au Madagascar*.

²⁶⁷⁷ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*. See also Demographie et des Statistiques Sociales, *MICS Madagascar*, 151.

²⁶⁷⁸ 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 May 19, 2003]; 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*. See also U.S. Embassy - Antananarivo official, electronic communication, February 19, 2004.

²⁶⁷⁹ Ministry of Tourism and the Ministry of Work and Social Laws, *Etude sur l'Exploitation Sexuelle*.

²⁶⁸⁰ U.S. Embassy - Antananarivo official, electronic communication, February 19, 2004. See also U.S. Embassy- Antananarivo, *unclassified telegram no. 1800*. See also Ravaozanany, *Madagascar Rapid Assessment*.

²⁶⁸¹ U.S. Department of State, *Country Reports- 2002: Madagascar*, Section 6f. See also The Protection Project, "Madagascar," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C.; available from <http://www.protectionproject.org/main1.htm>.

²⁶⁸² *Constitution of Madagascar, 1992*, (August 19, 1992), Article 24; available from http://www.oefre.unibe.ch/law/icl/ma00000_.html.

²⁶⁸³ U.S. Embassy- Antananarivo, *unclassified telegram no. 1787*.

percent.²⁶⁸⁴ Attendance rates are not available for Madagascar. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁶⁸⁵ The percentage of students who began school in 1995 and reached grade 2 was 77.0 percent, while the percentage of students who reached grade 5 in 1995 was 40.0 percent.²⁶⁸⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.²⁶⁸⁷ Decree 62-152 prohibits minors from engaging in work that could endanger their health, safety or morals.²⁶⁸⁸ Children under the age of 18 are also prohibited from performing night work.²⁶⁸⁹ Article 334 bis of the Penal Code prohibits the procurement of children for prostitution with a sentence of imprisonment for 5 to 10 years and a fine of 20 million to 100 million Malagasy francs (USD 3,505.08 to 17,525.40). The same punishment can be imposed on any person who is the cause of the corruption of a child under the age of 16.²⁶⁹⁰ Forced or bonded labor by children is prohibited under the Labor Code.²⁶⁹¹

The Ministry of Civil Services and Ministry of Labor enforces child labor laws through inspections, and enforcement in the informal economic sector is difficult.²⁶⁹² Violations of labor laws are punishable with fines of up to 1.5 million Malagasy francs (USD 270.32),²⁶⁹³ 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.²⁶⁹⁴ There are approximately 40 labor inspectors who do general inspections; none focus solely on child labor issues.²⁶⁹⁵ With funds from the Public Investment Program, however, the Ministry is planning to hire and train 35 new inspectors in 2004.²⁶⁹⁶ When violations are found, the fines reportedly are low and employers are not jailed.²⁶⁹⁷

The Government of Madagascar ratified ILO Convention 138 on May 31, 2000 and ILO Convention 182 on October 4, 2001.²⁶⁹⁸

²⁶⁸⁴ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁶⁸⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁶⁸⁶ UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144.

²⁶⁸⁷ *Labor Code*, Chapter 3, Articles 95 and 100 (August 25, 1995); available from <http://natlex.ilo.org/txt/F95MDG01.htm>. See also U.S. Embassy-Antananarivo, *unclassified telegram no. 0863*.

²⁶⁸⁸ The decree was issued in 1962. U.S. Embassy-Antananarivo, *unclassified telegram no. 1787*.

²⁶⁸⁹ *Ibid.*

²⁶⁹⁰ Ministry of Justice, *Droits de l'Enfant*, UNICEF, December 28, 2001. For currency exchange, see FXConverter, [online] [cited March 17, 2004]; available from <http://www.oanda.com/convert/classic>.

²⁶⁹¹ U.S. Department of State, *Country Reports- 2002: Madagascar*, Section 6c.

²⁶⁹² *Ibid.*, Section 6d. See also Ratovomalala, letter, September 4, 2000.

²⁶⁹³ U.S. Embassy-Antananarivo, *unclassified telegram no. 1787*. For currency conversion see FXConverter.

²⁶⁹⁴ U.S. Embassy-Antananarivo, *unclassified telegram no. 1787*.

²⁶⁹⁵ *Ibid.* Additional labor inspectors, 25 in total, are currently undergoing training and will be available to perform inspections by December 2003. See U.S. Embassy-Antananarivo, *unclassified telegram no. 0863*.

²⁶⁹⁶ U.S. Embassy-Antananarivo, *unclassified telegram no. 0863*.

²⁶⁹⁷ U.S. Embassy-Antananarivo, *unclassified telegram no. 1787*.

²⁶⁹⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited May 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Malawi is an associated country of ILO-IPEC.²⁶⁹⁹ The Ministry of Labor and Vocational Training (MOLVT) established and chairs a National Steering Committee on Child Labor.²⁷⁰⁰ The Committee has developed an action plan against child labor²⁷⁰¹ and has selected officers to coordinate activities to eliminate child labor.²⁷⁰² The government recently established an ombudsman who handles children issues among other social concerns.²⁷⁰³ The government has also launched campaigns against local customs such as initiation rights for girls and early marriage in an attempt to reduce the risk of girls becoming victims of child trafficking.²⁷⁰⁴ A Child Rights Unit was established in 1999 in the Human Rights Commission to protect children from abuse, violence, and exploitation.²⁷⁰⁵

The Ministry of Gender, Youth, and Community Services (MGYCS) has 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.²⁷⁰⁶ Street children receive assistance through the Department of Social Welfare with support from the MGYCS.²⁷⁰⁷

The government is also participating in an ILO-IPEC regional program funded by USDOL to withdraw and rehabilitate children engaged in hazardous work in the commercial agriculture sector in East Africa.²⁷⁰⁸ In April 2001, the MOLVT conducted a USDOL-funded national household survey on child labor with assistance from

²⁶⁹⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online database] [cited August 22, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

²⁷⁰⁰ The Labor Commissioner chairs the committee. Membership includes government, donors, workers, employers, representatives and civil society organizations. See ILO-IPEC, *Malawi Child Labor Baseline Survey Report*, February 12, 2003, 49.

²⁷⁰¹ Approximately USD 900,000 will be provided by UNICEF and the Norwegian Agency for International Development to fund the plan. See Suzgo Khunga, "Minister Bemoans the Increase in Child Labour", *allAfrica.com*, [previously online], March 25, 2002; available from <http://allafrica.com/stories/printable/200204020420.html> [hard copy on file]. UNICEF Malawi is providing technical and project management assistance. The government and civil society organizations are responsible for implementing the plan. See ILO-IPEC, *Baseline Survey Report*, 50.

²⁷⁰² Officer activities include sensitizing labor inspectors, employers and workers organizations on child labor issues, training labor inspectors to prosecute child labor cases, reviewing legislation, and developing a code of conduct for child labor employment. See ILO-IPEC, *Baseline Survey Report*, 50.

²⁷⁰³ U.S. Department of State, *Trafficking In Persons Report- 2003: Malawi*, U.S. Department of State, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²⁷⁰⁴ *Ibid.*

²⁷⁰⁵ The Right Honorable Justine C. Malewezi, Vice President of the Republic of Malawi, Statement at the UN Special Session on Children, May 8, 2002, Para 11; available from <http://www.un.org/ga/children/malawiE.htm>. The Child Rights Unit has taken over much of the responsibility for coordinating children's policy from the Children's Affairs Division in the Ministry of Gender, Youth and Community Services (MGYCS). The MGYCS continues to formulate policy on childcare and protection but relies on the Child Rights Unit and other partners to carry out policy. See UN Committee on the Rights of the Child, *Summary of the record of the 765th meeting: Malawi*, CRC/C/SR.765, prepared by The Republic of Malawi, pursuant to Article 44 of the Convention on the Rights of the Child, January 31, 2002, Paras 20, and 54; available from <http://www.unhchr.ch/TBS/doc.nsf/e121f32fbc58faafc1256a2a0027ba24/1e631bcfb5f333ec1256b5a005a5c68?OpenDocument>.

²⁷⁰⁶ 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 in Kenya, Tanzania, Uganda, Zambia and Malawi*, technical progress report., RAF/00/P51/USA, Geneva, March 30, 2002, 18. See also ILO-IPEC, *Baseline Survey Report*, 50.

²⁷⁰⁷ The Republic of Malawi, *National Report on The Follow-Up to The World Summit For Children*, UNICEF, 2002, Point 57; available from http://www.unicef.org/specialsession/how_country/edr_malawi_en.PDF.

²⁷⁰⁸ ILO-IPEC, *Regional Programme on Prevention, Withdrawal and Rehabilitation of Children engaged in Hazardous Work in Commercial Agriculture*, technical progress report, March 2002, 18.

ILO-IPEC's SIMPOC project.²⁷⁰⁹ In addition, the government has partnered with other organizations to promote efforts to eliminate child labor, including the Tobacco Association of Malawi,²⁷¹⁰ the Tobacco Exporters Children Service (since renamed Together Ensuring Children's Security,²⁷¹¹ UNICEF, the Norwegian Agency for International Development, the African Regional Labor Administration²⁷¹² and international and national unions.²⁷¹³

In 1994, Malawi's new democratically elected government introduced a policy of Free Primary Education.²⁷¹⁴ Since that time, Malawi has increased enrollment, raised education spending, launched several teacher training programs, reformed primary curriculums, built new schools, and invested in efforts to enroll and retain girls at all education levels.²⁷¹⁵ The government developed an Education Policy and Investment Framework in 1995, outlining education policy over a ten-year period in an attempt to accommodate free primary education and other reforms.²⁷¹⁶ In addition to subsidies from the government, educational institutions in Malawi receive assistance from religious organizations, local authorities, community associations,²⁷¹⁷ international NGOs, international

²⁷⁰⁹ Two specialized studies on street children and child prostitutes have also been initiated. See ILO-IPEC, *Statistical Programme for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Malawi (Child Labour Survey)*, technical progress report, MLW/01/P50/USA, Geneva, September 12, 2003, 2.

²⁷¹⁰ The Tobacco Association of Malawi initiated a child labor task force to raise awareness and formulate strategies to eliminate the problem of child labor. The task force is made up of representatives from government, business, international organizations, and labor, and was formed in November 2000. See U.S. Embassy- Lilongwe, *unclassified telegram no. 390*, February 2001. See also ILO-IPEC, *Baseline Survey Report*, 53. Their efforts have resulted in the Association for the Elimination of Child Labor. See ECLT Foundation, *A Unique Alliance to Address the Challenge of Child Labour in Tobacco Growing Launched in Geneva, Switzerland*, [online] 2002 [cited June 20, 2003]; available from http://www.eclt.org/filestore/Pressrelease_Uk.pdf.

²⁷¹¹ Together Ensuring Children's Security was formed in July 2002 by four tobacco-exporting companies and is raising funds to implement projects to eliminate child labor in the tobacco industry in 60 villages in two target districts for four years. See ECLT Foundation, *ECLT Foundation Program in Malawi with "Together Ensuring Children's Security" (TECS), 2002-2006*, [online] 2003 [cited June 20, 2003]; available from <http://www.eclt.org/filestore/TECSProgramme.pdf>. The program is also working with the Malawi Bureau of Standards to develop a product-labeling program certifying child labor free products. See ILO-IPEC, *Baseline Survey Report*, 54.

²⁷¹² These organizations have helped to train over one hundred labor officers in child labor inspection and child labor issues. ILO-IPEC trained 33 officers to prosecute child labor and held a sensitization workshop for 12 members of parliament. See U.S. Embassy- Lilongwe, *unclassified telegram no. 909*, August 2003.

²⁷¹³ 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. See International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies of Malawi*, online, Geneva, February 6-8, 2002; available from <http://www.icftu.org/displaydocument.asp?Index=991214742&Language=EN&Printout=Yes>.

²⁷¹⁴ The Policy and Investment Framework has been updated several times since 1995. Although the needs of girls have been featured in revisions, children with special needs such as street children out of school youth, orphans, and poor children continue to be neglected. See Esme Kadzamira and Pauline Rose, *Educational Policy Choice and Policy Practice in Malawi: Dilemmas and Disjunctures*, IDS Working Paper 124, Institute of Development Studies, 2001, 8-9; available from <http://www.ids.ac.uk/ids/bookshop/wp/wp124.pdf>.

²⁷¹⁵ 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; available from <http://www2.unesco.org/wef/countryreports/malawi/contents.html>. See also Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*. The Malawi Integrated In-service Teacher Training Education Programme and the Malawi School Support Systems Programme are intended to increase the quality of education and decrease the student to teacher ratio. See The Republic of Malawi, *National Report on the Follow-Up*, para. 54.

²⁷¹⁶ Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*, 8.

²⁷¹⁷ UNESCO, *EFA 2000 Report: Malawi*, 10.

organizations, and foreign donors such as UNICEF,²⁷¹⁸ Save the Children-US,²⁷¹⁹ USAID,²⁷²⁰ PLAN Malawi²⁷²¹ and the World Bank.²⁷²²

Incidence and Nature of Child Labor

A 2000 Malawi Demographic and Health Study (DHS) found that 27 percent of children ages 5 to 14 were working.²⁷²³ Children work mainly in farming, domestic service, and, to a lesser extent, in informal sector jobs such as street-side welding, bicycle repair, furniture making,²⁷²⁴ and work in brick kilns.²⁷²⁵ Children in the agricultural sector work alongside their parents in fields.²⁷²⁶ Children are used in crop production on tea estates²⁷²⁷ and on commercial tobacco farms, where the incidence of working children has been particularly high.²⁷²⁸ Bonded labor has been common among tobacco tenants and their families, including children.²⁷²⁹ A 1999 study estimated the number of children on the streets of three major cities to be roughly 2,000.²⁷³⁰ An

²⁷¹⁸ 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. See Integrated Regional Information Networks, "Malawi: UNICEF, Government Say Girls Face Education Obstacles", [online], July 9, 2002; available from http://www.irinnews.org/report.asp?ReportID=28723&SelectRegion=Southern_Africa&SelectCountry=MALAWI.

²⁷¹⁹ Save the Children-US has helped the Government of Malawi to expand rural education and train teachers through a village-based schools program aimed to increase girls' attendance. See Save the Children - USA, *Village-Based Schools Improve Girls' Enrollment in Malawi*, in Success Stories: Education, [online database] 2002 [cited November 15, 2002]; available from <http://www.savethechildren.org/mothers/programs/education.htm>. Save the Children-US also assists victims of child abuse through the Community Options for the Protection and Empowerment (COPE) program in coordination with existing government structures and local NGOs. See National Commission for UNESCO Malawi, *Community-Oriented Primary Education (COPE)*, Lilongwe, 2003; available from <http://www.ibe.unesco.org/International/Databanks/Dossiers/imalawi.htm>. See ILO-IPEC, *Baseline Survey Report*, 52.

²⁷²⁰ USAID also supports government efforts to increase access, and improve the quality and efficiency of Basic Education, giving special emphasis to girls' education. See USAID/MALAWI, *Annual Report FY 2002*, USAID, March 2002; available from http://www.dec.org/pdf_docs/PDABW145.pdf.

²⁷²¹ PLAN Malawi, an NGO and subsidiary of PLAN International, has established a "Schools Improvement Project" to improve school buildings, buy school supplies and provide teacher training in ten pilot schools. See ILO-IPEC, *Baseline Survey Report*, 53.

²⁷²² The World Bank's Second Social Action Fund Project supports socio economic infrastructure, development initiatives for the most vulnerable groups, and increases capacity. See World Bank, *Social Action Fund Project*, in World Bank Project Data., [online] May 15, 2003 [cited June 20, 2003]; available from <http://www4.worldbank.org/projects/Project.asp?pid=P049599>.

²⁷²³ Fourteen percent of children 5 to 9 and 42 percent of children 10 to 14 were working. The survey was conducted with assistance from USAID, DFID, UNICEF Malawi, and ORC Macro (DHS). See The Republic of Malawi, *Malawi Demographic and Health Survey 2000*, National Statistical Office, Zomba, Malawi, August 2001, 17; available from http://www.nso.malawi.net/data_on_line/demography/dhs/main_report/main_report.html.

²⁷²⁴ U.S. Department of State, *Country Human Rights Practices- 2002: Malawi*, Washington, D.C., March 4, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18213.htm>. See also U.S. Embassy- Lilongwe, *unclassified telegram no. 390*. See also The Republic of Malawi, *National Report on the Follow-Up*, 3.

²⁷²⁵ ILO/IFBWW, *Change in Malawi: Children Working in the Brick Kilns*, Geneva, March 2001.

²⁷²⁶ 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. Ninety-four percent of children working in agriculture who were interviewed were under 14 years old, 87 percent missed school as a result of work, 51 percent were injured, and, on average, their workday lasted up to 11 hours. See ILO-IPEC, *Baseline Survey Report*, 25, 26, 30.

²⁷²⁷ 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, 35; available from <http://www.ilo.org/public/english/standards/ipcc/publ/policy/papers/africa/index.htm>.

²⁷²⁸ Children also frequently perform domestic work to allow adults to work longer hours in the fields. See Eldering, Nakanyane, and Tshoaedi, "Child Labor in the Tobacco Growing Sector in Africa", 39-40.

²⁷²⁹ Liv Tørrer, *The Smoking Business: Tobacco Tenants in Malawi*, Fafo Institute for Applied Social Sciences, 2000. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review of Trade Policies*.

²⁷³⁰ The Republic of Malawi, *National Report on the Follow-Up*, Point 57: 16.

estimated 470,000 children in Malawi have been orphaned by the HIV/AIDS pandemic and may have no choice other than to seek work.²⁷³¹

According a recent IOM report, Malawi is believed to be a country of origin for children trafficked regionally and internationally for purposes of forced labor and commercial sexual exploitation. Children are recruited in Malawi by businesswomen and by Nigerian traffickers, by long distance truckers along major transportation routes, and by tourists at holiday resorts along Lake Malawi. They are lured by promises of jobs, marriage, and educational opportunities and then trafficked to Europe and other cities in Southern Africa.²⁷³²

Primary education is free under the Constitution.²⁷³³ Although the Minister of Education issued a statement saying that primary education is compulsory, Parliament has not endorsed this policy.²⁷³⁴ In 2000, the gross primary enrollment rate was 136.9 percent and the net primary enrollment rate was 100.6 percent.²⁷³⁵ In the same year, the gross primary attendance rate was 106.8 percent, and the net primary attendance rate was 78.2 percent.²⁷³⁶ In 1999, 62.8 percent of children enrolled in primary school reached grade 5.²⁷³⁷ Indirect costs of education, family illnesses and lack of interest in education are decreasing 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.²⁷³⁸

Child Labor Laws and Enforcement

The Employment Act of 2000 sets the minimum age for employment at 14 years, but makes exceptions for work done in vocational technical schools, other training institutions or unpaid work in homes.²⁷³⁹ The 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.²⁷⁴⁰ The Constitution of Malawi protects children against economic exploitation as well as treatment, work or punishment that is hazardous, interferes with

²⁷³¹ UNAIDS/WHO, *Epidemiological Fact Sheet on HIV/AIDS and sexually transmitted infections: 2002 Update*, [online database] 2002 [cited February 27, 2004]; available from http://www.who.int/emc-hiv/fact_sheets/pdfs/Malawi_EN.pdf.

²⁷³² IOM, *The Trafficking of Women and Children in the Southern Africa Region*, Pretoria, March 24, 2003; available from <http://www.iom.int/documents/publication/en/southernafrika%5Ftrafficking.pdf>. There have also been reports of internal trafficking. See U.S. Department of State, *Trafficking In Persons Report- 2003: Malawi*.

²⁷³³ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 25. -1., 2.; available from <http://www.sdn.org.mw/constitut/chapter4.html#15>.

²⁷³⁴ ILO-IPEC, *Targeting the worst forms of child labour in commercial agriculture Kenya, Tanzania, Malawi, Uganda, Zambia*, technical progress report,, RAF/00/P51/USA, Geneva, March 31, 2003, 3.

²⁷³⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁷³⁶ The Republic of Malawi, *Malawi Demographic and Health Survey 2000*, 14.

²⁷³⁷ World Bank, *World Development Indicators 2003*. Research recently published by the World Bank has shown that despite increases in enrollment, the drop out rate has continued to average around 50 percent throughout the 1990s. 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; available from <http://www.worldbank.org/afr/wps/wp29.htm>.

²⁷³⁸ Al-Samarrai and Zaman, *The Changing Distribution of Public Education Expenditure in Malawi*, 4. See also Kadzamira and Rose, *Educational Policy Choice and Policy Practice in Malawi*, 8, 10, 16.

²⁷³⁹ *Employment Act of 2000*, (2000), Part IV-Employment of Young Persons, 23-24; available from <http://www.sdn.org.mw/~esaia/ettah/employment-act/>.

²⁷⁴⁰ Ibid.

their education or is harmful to their health or physical, mental or spiritual and social development.²⁷⁴¹ There is no legal restriction on the number of hours children may work.²⁷⁴² In 2003, a commission was established to review laws pertaining to children.²⁷⁴³ Employers are required to keep a register of all employees under the age of 18, and violation of the law can result in a fine of Malawi Kwacha (MK) 20,000 (USD 223) and 5 years of imprisonment.²⁷⁴⁴ Both the Constitution and the Employment Act prohibit forced and compulsory labor. Violators are liable for penalties of MK 10,000 (USD 112) and 2 years imprisonment under the Employment Act.²⁷⁴⁵

The trafficking of persons is not specifically prohibited by law.²⁷⁴⁶ 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.²⁷⁴⁷ The promotion, management and transporting of a woman or girl with the intention of making her a prostitute carries a 14-year sentence.²⁷⁴⁸ The age of consent is 14 years,²⁷⁴⁹ and marriage of children under 15 is discouraged.²⁷⁵⁰ There is no government funding for NGO services to victims of trafficking or training for government officials to combat trafficking.²⁷⁵¹

The MOLVT and the police are charged with enforcing child labor laws, but enforcement is minimal.²⁷⁵² Fifty-five labor inspectors investigate child labor cases. Although complaints concerning child labor are regularly recorded, only one-third are investigated due to lack of funding.²⁷⁵³

The Government of Malawi ratified ILO Convention 138 and ILO Convention 182 on November 19, 1999.²⁷⁵⁴

²⁷⁴¹ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 23-24 a, b, c. However, the Constitution defines children as under 16 years old. See *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 23. -5.

²⁷⁴² U.S. Department of State, *Country Reports- 2002: Malawi*, Section 6d.

²⁷⁴³ ILO-IPEC, *Targeting the worst forms of child labour in commercial agriculture, technical progress report, March 2003*. See also Statement at the UN Special Session on Children, 11.

²⁷⁴⁴ *Employment Act*, Part IV-Employment of Young Persons, 21-24. For currency conversion see Expedia, *Currency Converter*, [online] 2003 [cited August 12, 2003]; available from <http://www.expedia.com/pub/agent.dll>.

²⁷⁴⁵ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 27. -1.,2.,3.,4. See also *Employment Act*, Part II-Fundamental Principles, 4. (1)-(2). For currency conversion see Expedia, *Currency Converter*.

²⁷⁴⁶ U.S. Department of State, *Country Reports- 2002: Malawi*, Section 6f.

²⁷⁴⁷ Government of Malawi, *The Penal Code*, as cited in The Protection Project Legal Library, 140; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaEpdf>. In 2000, the MGYCS 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, [previously online], December 14, 2000; available from <http://allafrica.com/stories/printable/200012140082.html> [hard copy on file].

²⁷⁴⁸ The Protection Project, "Malawi," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from <http://209.190.246.239/ver2/cr/Malawi.pdf>. See also U.S. Department of State, *Trafficking In Persons Report- 2003: Malawi*.

²⁷⁴⁹ U.S. Department of State, *Country Reports- 2002: Malawi*, Section 6f. See also Government of Malawi, *The Penal Code*, 138.

²⁷⁵⁰ *Constitution of the Republic of Malawi*, Chapter IV, Human Rights, 22-28.

²⁷⁵¹ U.S. Department of State, *Country Reports- 2002: Malawi*, Section 6f.

²⁷⁵² *Ibid.*, Section 6d.

²⁷⁵³ The MOLVT's budget equals less than one third of 1 percent of Malawi's 2002-2003 national budget. See U.S. Embassy- Lilongwe, *unclassified telegram no. 909*.

²⁷⁵⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Mali has been a member of ILO-IPEC since 1998.²⁷⁵⁵ 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.²⁷⁵⁶ In 2003, USDOL funded a USD 3 million education initiative to increase access to quality, basic education to children at risk of child trafficking in Mali.²⁷⁵⁷

In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Mali. 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 donors, funding of regional and international organizations, and direct funding for host government or local NGOs.²⁷⁵⁸

In January 2002, the Government of Mali, in collaboration with INTERPOL, organized a meeting that was attended by officials from Benin, Burkina Faso, Gabon, Cote d'Ivoire, Niger, and several UN agencies and NGOs, to discuss child trafficking in West and Central Africa. Issues that were covered included prevention of trafficking, rehabilitation of victims, and the implementation of a September 2000 agreement between Côte d'Ivoire and Mali to combat child trafficking. In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.²⁷⁵⁹ The September 2000 agreement between Côte d'Ivoire and Mali included provisions for the two countries to develop national plans of action covering the prevention of child trafficking, controlling and monitoring child trafficking, and repatriating and rehabilitating children who have been trafficked.²⁷⁶⁰

The Government of Mali has established welcome centers that offer support to victims of trafficking, including shelter and medical and psychological services.²⁷⁶¹ In 2001, over 300 children trafficked from Mali to Cote d'Ivoire were returned to their families through assistance at Malian welcome centers.²⁷⁶² In coordination with Malian authorities, UNICEF, IOM, Save the Children/Canada, and ILO-IPEC are supporting anti-trafficking efforts through sensitization, rehabilitation, and reintegration initiatives.²⁷⁶³

²⁷⁵⁵ ILO-IPEC, *All About IPEC: Program Countries*, [online] [cited July 1, 2003]; available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

²⁷⁵⁶ 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): Country Annex VII: Mali*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

²⁷⁵⁷ U.S. Department of Labor, *ICLP Projects Funded in FY 2003*, September 2003.

²⁷⁵⁸ 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.

²⁷⁵⁹ 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, May 10, 2002, [cited August 28, 2003]; available from <http://www.un.org/ga/children/ivoryF.htm>. See also Integrated Regional Information Network, *West Africa: Child Trafficking Conference Opens*, IRINnews.org, [online] 2002 [cited August 28, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=18563>. See also Integrated Regional Information Network, *Regional Efforts Against Child Trafficking*, allAfrica.com, [online] 2002 [cited November 2, 2002]; available from <http://allafrica.com/stories/200201210319.html>.

²⁷⁶⁰ ILO-IPEC, *Combating the Trafficking of Children (Phase II)*, project document, 8.

²⁷⁶¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Mali*, Washington, DC, June 10, 2003; available from <http://www.state.gov/r/pa/ei/rls/21475.htm>.

²⁷⁶² U.S. Department of State, *Country Reports on Human Rights Practices for 2002- Mali*, Washington, DC, March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18214.htm>.

²⁷⁶³ UNICEF, *Rapport Annuel 2001: Mali*, Bamako, 2001, 43-44; available from <http://www.un.org.ml/textes/rapan01.pdf>.

In January 2002, the President of Mali, the African Football Confederation, the Organizing Committee of the Cup of African 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.²⁷⁶⁴ Currently, the government is in the preparation stage of conducting a national child labor survey, with technical assistance from ILO-IPEC's SIMPOC, to measure the nature and extent of child labor at a national level.²⁷⁶⁵

In 1998, the Government of Mali developed a 10-year education sector policy that aims to reach a primary enrollment rate of 75 percent by 2008 and improve educational quality and outcomes.²⁷⁶⁶ In 2000, the World Bank provided the Government of Mali with a USD 45 million loan for education sector improvements, including measures to improve the quality of schooling, increase access through the construction of new schools, and build the capacity of local government systems and personnel.²⁷⁶⁷ The World Bank is also providing a USD 3.8 million loan to the Government of Mali to increase the provision of bilingual schooling.²⁷⁶⁸ Through a USD 62.5 million bilateral agreement with the Government of Mali signed in 2002, USAID is working with the Ministry of Education to improve the quality of learning, particularly that of girls, by training teachers, improving the national curriculum, and increasing community and parent participation in schooling. Through the U.S. government's Africa Education Initiative, USAID will also assist the Ministry of Education to reach teachers in remote rural areas through a radio education program.²⁷⁶⁹ UNICEF is implementing a basic education program that focuses on construction and rehabilitation of school infrastructures; the provision of school equipment and teacher training.²⁷⁷⁰ UNICEF will also be working closely with the government of Mali to reduce gender imbalances in primary and secondary school through a targeted girls' education initiative.²⁷⁷¹

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 50.5 percent of children ages 10 to 14 years in Mali were working.²⁷⁷² Children work in the agricultural sector, in mining and gold washing, and as domestic servants in urban areas.²⁷⁷³ In some cases, children work as street beggars for marabouts as part of their education at Koranic schools.²⁷⁷⁴

²⁷⁶⁴ ILO-IPEC, *ILO Waves "Red Card" at Child Labor*, ILO-IPEC, [online] [cited July 1, 2003]; available from <http://www.ilo.org/public/english/bureau/inf/pr/2002/1.htm>.

²⁷⁶⁵ ILO-IPEC, *SIMPOC Country List*, [online] 2003 [cited July 1, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm>.

²⁷⁶⁶ USAID/Mali, *PRODEC*, [online] 2003 [cited June 27, 2003]; available from http://mali.viky.net/usaidd/cgi-bin/view_article.pl?id=111. See also Andrea Rugh, *Starting Now: Strategies for Helping Girls Complete Primary*, Academy for Educational Development, Washington, D.C., November, 2000, 181; available from http://www.dec.org/pdf_docs/PNACK223.pdf.

²⁷⁶⁷ World Bank, *Education Sector Expenditure Project*, [online] 2003 [cited June 26, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P040650>.

²⁷⁶⁸ World Bank, *Project Appraisal Document on a Proposed Credit in the Amount of SDR 2.8 Million to the Republic of Mali for Improving Learning in Primary Schools*, January 21, 2000, 2; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2000/04/19/000094946_00021805401060/Rendered/PDF/multi_page.pdf.

²⁷⁶⁹ USAID, *Overview of USAID Basic Education Programs in Mali*; available from http://www.usaid.gov/regions/afr/country_info/pdfs/mali.pdf. See also U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

²⁷⁷⁰ UNICEF, *Rapport Annuel 2001: Mali*, 36.

²⁷⁷¹ UNICEF, *Go Girls! Education for Every Child*, [online] [cited June 24, 2003]; available from http://www.unicef.org/programme/girlseducation/25_2005/.

²⁷⁷² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁷⁷³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention on the Rights of the Child: Concluding Observations of the Committee on the Rights of the Child: Mali*, CRC/C/15/Add.113, November 1999, para. 32; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.113.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.113.En?OpenDocument). See also ILO-IPEC, *Combating the Trafficking of Children (Phase II), project document*.

²⁷⁷⁴ Marabouts are Koranic teachers. See Committee for the Elimination of Racial Discrimination, *Addendum to the Fourteenth Periodic Report of States Parties due in 2001*, CERD/C/407/Add.2, prepared by Government of Mali, pursuant to Article 9 of the Convention on the Elimination of Racial Discrimination, February 2002, para. 49 [cited July 1, 2003]; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b9dff8e90ea9ca2c1256c0e004b0b2b/\\$FILE/G0242546.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b9dff8e90ea9ca2c1256c0e004b0b2b/$FILE/G0242546.doc).

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.²⁷⁷⁵ 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 25 to 51).²⁷⁷⁶ Mali is also reported to be a transit country for children trafficked to and from neighboring countries and to Europe.²⁷⁷⁷

Primary education is compulsory and free through the age of 12; however, students must pay for their own uniforms and school supplies to attend public schools.²⁷⁷⁸ The Malian education system is marked by extremely low rates of enrollment, attendance, and completion. In 1996, only 10 percent of the population ages 15 years and older had completed primary school.²⁷⁷⁹ In 2000, the gross primary enrollment rate was 61.2 percent, and in 1998, the net primary enrollment rate was 43.3 percent.²⁷⁸⁰ A significant gender disparity exists among students participating in primary school.²⁷⁸¹ Attendance rates are unavailable for Mali. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁷⁸² The quality of education services in Mali is also poor, due to a lack of adequate infrastructure and trained teachers, as well as the use of curriculum that has little relevance for students' lives.²⁷⁸³

Child Labor Laws and Enforcement

Article 187 of Labor Code of 1992 sets the general minimum age for employment and apprenticeship at 14 years.²⁷⁸⁴ However, Decree No. 96-178 of 1996 establishes more detailed regulations with regard to children's work. It allows children from the ages of 12 to 14 to work in certain occupations, including domestic or seasonal work, although they may not be employed for more than four and a half hours per day (two hours a day, if they are in school), or without the authorization of a parent or tutor.²⁷⁸⁵ The decree prohibits children under 16 from working in certain strenuous occupations, including mining.²⁷⁸⁶ Finally, it prohibits children under 18 years from

²⁷⁷⁵ U.S. Department of State, *Country Reports-2002: Mali*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mali*.

²⁷⁷⁶ U.S. Department of State, *Country Reports-2002: Mali*, Section 6f. For currency conversion see FXConverter, [online] [cited July 1, 2003]; available from <http://www.oanda.com/convert/classic>.

²⁷⁷⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Mali*.

²⁷⁷⁸ U.S. Department of State, *Country Reports-2002: Mali*, Section 5.

²⁷⁷⁹ USAID, *DHS EdData Education Profiles for Africa, Data from Demographic and Health Surveys: Mali*, Washington, D.C., 5, [cited June 26, 2003]; available from http://www.dec.org/pdf_docs/PNACK134.pdf.

²⁷⁸⁰ World Bank, *World Development Indicators 2003*.

²⁷⁸¹ In 1996, the gross primary attendance rate was 48 percent for boys and 34 percent for girls. See USAID, *DHS EdData Education Profiles: Mali*, 1-3.

²⁷⁸² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report. In 1996, the gross primary attendance rate was 41 percent, and the net primary attendance rate was 29 percent. In 1996, the rural net attendance rate was only 19 percent. Secondary school, which begins at age 13, has far lower attendance rates. Ibid.

²⁷⁸³ USAID, *USAID Mali Strategic Objectives: Basic Education*, [online] [cited June 26, 2003]; available from http://mali.viky.net/usaidd/cgi-bin/view_article.pl?id=129.

²⁷⁸⁴ Government of Mali, *Loi no 92-020 portant Code du Travail*, (September 23, 1992), Article 187; available from <http://natlex.ilo.org/txt/F92MLI01.htm>.

²⁷⁸⁵ Government of Mali, *Decret no. 96-178/P-RM portant Application de Diverses Dispositions de la Loi no 92-20 portant Code du Travail*, (June 13, 1996), Articles 189/35-36; available from <http://natlex.ilo.org/txt/F96MLI01.htm>.

²⁷⁸⁶ Ibid., Articles 189/24-30. The Government of Mali has developed a list of occupations that are considered to be worst forms of child labor, as required under Article 4 of ILO Convention No. 182. These occupations include: traditional gold mining; agricultural sector occupations, and informal sector work such as young girls working as housemaids, bar/restaurant waitresses, cooks, or the use of children for money laundering schemes. See U.S. Embassy - Bamako, *unclassified telegram no. 1171*, August 2003.

engaging in work that threatens their safety or morals; from working more than eight hours per day, or from working at night.²⁷⁸⁷ The Labor Code prohibits forced or obligatory labor.²⁷⁸⁸ Penalties for violations of the minimum age law are established in the Labor Code, and range from a fine of 20,000 to 200,000 F (USD 35 to 351).²⁷⁸⁹ Legislation passed in 2001 made the trafficking of children punishable by 5 to 20 years imprisonment.²⁷⁹⁰ The government also requires that Malian children under 18 years of age carry travel documents in an attempt to slow cross-border trafficking.²⁷⁹¹ Article 183 of the Criminal Code establishes penalties for the sexual exploitation and sexual abuse of children.²⁷⁹²

Labor inspectors from the Ministry of Employment and Civil Service conduct surprise and complaint-based inspections but operate only in the formal sector and lack resources to effectively monitor child labor.²⁷⁹³ 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.²⁷⁹⁴

The Government of Mali ratified ILO Convention 138 on March 11, 2002 and ILO Convention 182 on July 14, 2000.²⁷⁹⁵

²⁷⁸⁷ *Decret no 96-178/P-RM*, Article 189/14-16.

²⁷⁸⁸ *Code du Travail*, Article 6.

²⁷⁸⁹ *Ibid.*, Article 326. For currency conversion see FXConverter.

²⁷⁹⁰ Integrated Regional Information Network, "Mali: Ban on Child Trafficking and the Bartering of Women", IRINnews.org, [online], July 3, 2001 [cited June 26, 2003]; available from <http://www.irinnews.org/>. See also U.S. Department of State, *Country Reports-2002: Mali*, Section 6f.

²⁷⁹¹ Integrated Regional Information Network, "Mali: Children to Carry Mandatory Travel Documents", IRINnews.org, [online], August 10, 2001 [cited June 26, 2003]; available from <http://www.irinnews.org/>. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mali*.

²⁷⁹² UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1992: Mali*, CRC/C/3/Add.53, prepared by Republic of Mali, pursuant to Article 44 of the Convention on the Rights of the Child, September 1997, para. 172; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.53.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.53.En?OpenDocument).

²⁷⁹³ U.S. Department of State, *Country Reports-2002: Mali*, Section 6d.

²⁷⁹⁴ ILO-Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Convention no. 29, Forced Labor, 1930 Mali (ratification: 1960)*, Geneva, 2002; available from <http://www.ilo.org/ilolex/english>.

²⁷⁹⁵ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 26, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.²⁷⁹⁶ Key efforts to eradicate child labor have taken place that include the passage of a 2002 regulation prohibiting children from working in the streets of the capital city of Nouakchott,²⁷⁹⁷ and government-funded magazine and TV ads on child labor.²⁷⁹⁸ The government has also provided training to police and border guards on trafficking and human rights issues.²⁷⁹⁹

In 1999, the Government of Mauritania adopted 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 is being placed on pre-school education that prepares children for basic education and on creating incentives to encourage private investment to promote private education.²⁸⁰⁰ The goals for elementary school education are to achieve universal access by 2005, raise the retention rate from 55 percent to 78 percent by 2010, eliminate gender and regional disparities, improve the quality and relevance of education, and lower the pupil-teacher ratio.²⁸⁰¹ The government is currently implementing a school meals program designed to improve attendance and children's health. In addition, the Girls' School Enrollment Support Fund was created in 1997 as part of the government's Basic Education Department. The fund has conducted 13 multimedia campaigns aimed at increasing girls' attendance in five of the least-developed regions in Mauritania.²⁸⁰²

In June 2002, the Government of Mauritania became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.²⁸⁰³ The World Bank is assisting the government to achieve education sector goals through a USD 49.2 million education loan project aimed at increasing enrollment, particularly among girls and in low-performing regions.²⁸⁰⁴ In 2000, the African Development Bank provided loan for a five-year education

²⁷⁹⁶ 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. In 2002, government officials reported that they were working with the ILO to plan the child labor study. Further information on the status of this study is not available. See Khaled Cheikhna, Director of Labor, interview with USDOL official, August 14, 2002. See also Dina, Secretary General, Union des Travailleurs de Mauritania, interview with USDOL official, August 15, 2002.

²⁷⁹⁷ Mactar O. Hemeina, Official, U.S. Embassy- Nouakchott, interview with USDOL official, August 14, 2002.

²⁷⁹⁸ Dina, interview, August 15, 2002.

²⁷⁹⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritania*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²⁸⁰⁰ 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 July 2, 2003]; available from <http://www.adeanet.org/newsletter/latest/06.html>.

²⁸⁰¹ Ibid.

²⁸⁰² Government of Mauritania, *Written Replies by the Government of Mauritania Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Report of Mauritania*, CRC/C/Q/MAU/1, August 16, 2001, 11; available from <http://www.unhcr.ch/html/menu2/6/crc/doc/replies/wr-mauritania-1.pdf>.

²⁸⁰³ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

²⁸⁰⁴ 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 22, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071308>.

sector improvement project, including the promotion of women's education and literacy, and increased government capacity.²⁸⁰⁵ In 2001, several UN agencies began implementation of a girls' education project that supports infrastructure development, gender-neutral curriculum development, and increased income-generation opportunities among the target population.²⁸⁰⁶

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 21.7 percent of children ages 10 to 14 years in Mauritania were working.²⁸⁰⁷ Children traditionally work on family subsistence farms as a means of survival.²⁸⁰⁸ They also perform a wide range of other informal activities, such as working as cashiers,²⁸⁰⁹ street workers, dishwashers in restaurants, car washers, domestic workers, fishermen,²⁸¹⁰ herders, and apprentices in garages.²⁸¹¹ In addition, children living with marabouts, or Koranic teachers, assist with domestic work.²⁸¹² In 2002, there were two reported arrests of traffickers recruiting young boys to work in the Middle East as camel jockeys.²⁸¹³ Mauritania abolished slavery in 1981,²⁸¹⁴ however, due to the lack of economic and social opportunities for former slaves, their children are at risk of abject poverty,²⁸¹⁵ which may serve as an impetus for child labor.

In 2000, the gross primary enrollment rate was 83.0 percent, and the net primary enrollment rate was 64.0 percent.²⁸¹⁶ Primary school attendance rates are unavailable for Mauritania. In July 2001,²⁸¹⁷ the government announced that school attendance would become compulsory between the ages of 6 and 14.²⁸¹⁸ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁸¹⁹ Public school is free, but other costs such as books and lunches make education unaffordable for many poor children.²⁸²⁰ Ongoing challenges to the provision of quality education in Mauritania include the high dropout and repetition rates, a shortage of teachers, an inadequate curriculum,²⁸²¹ and poor national infrastructure which prevents children from traveling to and from schools.²⁸²²

²⁸⁰⁵ African Development Bank Group, *Project Information Sheet- Mauritania: Education Development Support Project*, [online] [cited July 2, 2003]; available from http://www.afdb.org/projects/projects/education_Mauritania.htm.

²⁸⁰⁶ Participating UN agencies include UNDP, UNFPA, WHO, WFP, UNAIDS and UNICEF. See Integrated Regional Information Networks, "Mauritania: Encouraging Girls to Go to School", IRINnews.org, [online], July 26, 2001 [cited July 2, 2003]; available from <http://irinnews.org/>.

²⁸⁰⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁸⁰⁸ Dina, interview, August 15, 2002.

²⁸⁰⁹ Nahah, Secretary General, Confederation General des Travailleurs de Mauritanie, interview with USDOL official, August 14, 2002.

²⁸¹⁰ Ely Samake, UNICEF official, interview with USDOL official, August 15, 2002.

²⁸¹¹ Nahah, interview, August 14, 2002.

²⁸¹² Sow, interview, August 15, 2002.

²⁸¹³ U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritania*.

²⁸¹⁴ Ibid.

²⁸¹⁵ Samory O. Beye, Secretary General, Confederation Libre des Travailleurs de Mauritanie, interview with USDOL official, August 14, 2002.

²⁸¹⁶ World Bank, *World Development Indicators 2003*.

²⁸¹⁷ UNDP, *Mauritania Helps Girls by Making Education Compulsory*, [online] 2001 [cited July 2, 2003]; available from <http://www.undp.org/dpa/frontpagearchive/2001/july/25july01/index.html>.

²⁸¹⁸ The legislation establishes monitoring procedures and fines for offenders. See Government of Mauritania, *Written Replies to the Committee on the Rights of the Child*, 9.

²⁸¹⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁸²⁰ Ely Samake, interview, August 15, 2002.

²⁸²¹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Mauritania*, CRC/C/15/Add.159, UN, Geneva, November 6, 2001, [cited July 2, 2003], para. 45; available from <http://www.unhchr.ch>.

²⁸²² Ely Samake, interview, August 15, 2002.

Child Labor Laws and Enforcement

An amendment to the Labor Code sets the minimum age for employment at 16 years.²⁸²³ The Labor Law also prohibits forced labor²⁸²⁴ and sets 18 years as the minimum age for work requiring excessive force, or that could harm the health, safety, or morals of children.²⁸²⁵ The Criminal Code, which follows Islamic criminal law, establishes strict penalties for engaging in prostitution or procuring prostitutes, ranging from fines to imprisonment for two to five years for cases involving minors.²⁸²⁶ Article 3 of the law against trafficking in persons, passed on July 17, 2003, expands the scope of trafficking for cases involving children.²⁸²⁷ In addition, the Criminal Code sets a penalty of 5 to 10 years' imprisonment for the use of fraud or violence to abduct minors.²⁸²⁸

According to the government, no cases of child labor have been reported.²⁸²⁹ However, the government reportedly lacks the resources to effectively monitor compliance with child labor laws.²⁸³⁰

The Government of Mauritania ratified ILO Convention 138 and ILO Convention 182 on December 3, 2001.²⁸³¹

²⁸²³ Government of Mauritania, *Written Replies to the Committee on the Rights of the Child*, 9.

²⁸²⁴ Government of Mauritania, *Code du Travail, 1963*, Loi N. 63.023, (January 1963), Livre I, Titre Premier, Article 3.

²⁸²⁵ *Ibid.*, Livre Deuxième, Article 47.

²⁸²⁶ *Criminal Code of Mauritania*, Articles 307-14, as cited in The Protection Project Legal Library; available from <http://209.190.246.239/protectionproject/statutesPDF/Mauritania.pdf>.

²⁸²⁷ U.S. Department of State, electronic communication to USDOL official, February 19, 2004.

²⁸²⁸ 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 July 2, 2003], para. 345; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/4ec6bda0d30ae362c1256a64002c7a85?0&openDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/4ec6bda0d30ae362c1256a64002c7a85?0&openDocument). See also U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritania*.

²⁸²⁹ Cheikhna, interview, August 14, 2002.

²⁸³⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mauritania*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18215.htm>.

²⁸³¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Mauritius created the National Children's Council in 1990 to coordinate ministry and NGO efforts to combat child abuse, neglect, and exploitation.²⁸³² Since 1999, the Council has participated in the National Action Plan to Combat Commercial Sexual Exploitation of Children.²⁸³³ Plan activities include conducting workshops in schools and women's associations, creating special police groups to encourage more reporting of sexual exploitation, and using social welfare and community centers to raise awareness about commercial sexual exploitation.²⁸³⁴ In 2000, the government released a comprehensive study on child prostitution, which was carried out in cooperation with UNICEF and the World Health Organization (WHO).²⁸³⁵ The government is currently working with social partners to develop a comprehensive policy on child labor.²⁸³⁶

In the 2002–2003 school year, spending on primary education was roughly 1.4 million rupees (USD 48,000), or 31 percent of the overall education budget.²⁸³⁷ The government announced an education reform plan in 2001 to provide additional secondary schools, increase access to secondary school education, and eventually increase the mandatory education age to 16.²⁸³⁸ Through the Priority Zone educational project, 22 secondary schools are being constructed in economically disadvantaged areas.²⁸³⁹ The government assigns a social worker to truant children and their families to reduce school absenteeism.²⁸⁴⁰ Based upon the country's economic performance and government achievements in improving the well being of children and young people, UNICEF announced its intention to close out funding allocations in Mauritius in 2003.²⁸⁴¹

Incidence and Nature of Child Labor

In 2001, ILO estimated that 1.8 percent of children ages 10 to 14 years in Mauritius were working.²⁸⁴² The 2000 Census of Occupations found that 763 children aged 12 to 14 were working.²⁸⁴³ Children are usually found

²⁸³² ILO, *Individual Observation concerning Convention no. 29, Forced Labor, 1930 Mauritius (ratification: 1969)*, ILO-Committee of Experts on the Application of Conventions and Recommendations, Geneva, 2002; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁸³³ Ministry of Women, Family Welfare, and Child Development of Mauritius, *National Children's Council*, [online] [cited August 14, 2003]; available from <http://women.gov.mu/child/ssncc.htm>.

²⁸³⁴ U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritius*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

²⁸³⁵ ILO, *Individual Observation- Convention 29*.

²⁸³⁶ N. Nababsing, survey questionnaire response to USDOL official, September 2001, 3. UNICEF has agreed to fund a new study on child labor in the informal sector for the Ministry of Labour and Employment. The research will be conducted by specialists in the University of Mauritius and will be used to develop strategies to combat child labor. See U.S. Embassy- Port Louis, *unclassified telegram no. 658*, August 18, 2003.

²⁸³⁷ U.S. Embassy- Port Louis, *unclassified telegram no. 658*. For currency conversion, see FXConverter, [online] [cited August 27, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

²⁸³⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mauritius*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18216.htm>.

²⁸³⁹ U.S. Embassy- Port Louis, *unclassified telegram no. 658*.

²⁸⁴⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Mauritius*.

²⁸⁴¹ 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. See UNICEF, *At a Glance: Mauritius*, UNICEF, [online] August 13, 2003 [cited August 14, 2003]; available from <http://www.unicef.org/infobycountry/mauritius.html>.

²⁸⁴² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁸⁴³ U.S. Embassy- Port Louis, *unclassified telegram no. 658*. For purposes of comparison, there were 97,713 children in the 10–14 age group in Mauritius in 2000. See U.S. Bureau of the Census, International Data Base, [online] December 16, 2003 [cited December 17, 2003]; available from <http://www.census.gov/cgi-bin/ipc/idbagg>.

working on the streets, in small businesses, and in agriculture.²⁸⁴⁴ On the island of Rodrigues, children reportedly work in homes, on farms, and in shops.²⁸⁴⁵ In 1998, the UNICEF/WHO study on commercial sexual exploitation of children indicated that children as young as 13 are engaged in prostitution in several districts in Mauritius.²⁸⁴⁶ Although there had been reports in previous years of children being trafficked from Madagascar to Mauritius for prostitution, there were no such reports in 2002.²⁸⁴⁷

The Education Act provides for compulsory and free primary schooling until the age of 12.²⁸⁴⁸ In addition, the government provides subsidies for the school fees of each 4-year old to ensure that children start primary school with at least one year of preschool experience.²⁸⁴⁹ In 1998, approximately 96 percent of the children entering primary school had completed at least one year of pre-primary schooling.²⁸⁵⁰ In 2000, the gross primary enrollment rate was 108.6 percent, and the net primary enrollment rate was 94.7 percent.²⁸⁵¹ Attendance rates are not available for Mauritius. While enrollment rates indicate a level of commitment to education, they do not necessarily reflect children's participation in school.²⁸⁵²

Child Labor Laws and Enforcement

The Labor Act of 1975 set the minimum age for employment at 15 years.²⁸⁵³ Under the Occupational Safety, Health, and Welfare Act of 1989, young persons between the ages of 15 and 18 are not allowed to work in activities that are harmful to health, dangerous, or otherwise unsuitable for a young person.²⁸⁵⁴ The Criminal Code contains provisions prohibiting child prostitution, and the sale, trafficking, and abduction of children.²⁸⁵⁵ The

²⁸⁴⁴ Nababsing, Child Labor Questionnaire response, September 2001, 3.

²⁸⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mauritius*, Washington, D.C., March 4, 2002, 459-61, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8393.htm>.

²⁸⁴⁶ ILO, *Individual Observation- Convention 29*. See also Nasseem Ackbarally, *Report Says Child Prostitution Rampant in Mauritius*, [online] [cited August 14, 2003]; available from <http://www.hartford-hwp.com/archives/36/313.html>.

²⁸⁴⁷ U.S. Department of State, *Country Reports- 2002: Mauritius*.

²⁸⁴⁸ Children begin primary school at the age of 5 and are expected to complete primary education at age 12. See Nababsing, Child Labor Questionnaire response, September 2001, 3, 10.

²⁸⁴⁹ 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. See UNESCO, *EFA 2000 Report: Mauritius*.

²⁸⁵⁰ UNESCO, *EFA 2000 Report: Mauritius*.

²⁸⁵¹ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁸⁵² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁸⁵³ Nababsing, Child Labor Questionnaire response, September 2001, 1. The country's child labor laws cover all sectors.

²⁸⁵⁴ *Ibid.*, 2. Children are allowed to work on some dangerous machines, provided they are trained to operate machinery and are supervised by an experienced operator. They are not required to clean machinery if this would expose them to the risk of injury. In addition, children under 18 are not permitted to work more than six hours per day between the hours of 6 P.M. and 6 A.M. See U.S. Embassy- Port Louis, *unclassified telegram no. 658*.

²⁸⁵⁵ The Criminal Code was amended in 1998. See ILO, *Individual Observation- Convention 29*.

penalties for persons convicted of the sale, trafficking or abduction of a child are a fine of least 10,000 rupees (USD 343) or a prison sentence not to exceed five years.²⁸⁵⁶ Forced and bonded labor by children is illegal.²⁸⁵⁷

The Ministry of Labor and Industrial Relations enforces child labor laws. In 2002, labor inspectors conducted 4,728 inspections and found 19 instances of child labor.²⁸⁵⁸ When an instance of child labor is found, inspectors warn violators before applying fines not to exceed 2,000 rupees (USD 69) to repeat offenders.²⁸⁵⁹ 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 inadequate to effectively prosecute child sexual exploitation, and there was insufficient police resolve, capacity, and sensitivity to intervene in cases of child prostitution.²⁸⁶⁰

The Government of Mauritius ratified ILO Convention 138 on July 30, 1990 and ILO Convention 182 on June 8, 2000.²⁸⁶¹

²⁸⁵⁶ Nababsing, Child Labor Questionnaire response, September 2001, 3. For currency conversion, see FXConverter, available from <http://www.carosta.de/frames/convert.htm>.

²⁸⁵⁷ U.S. Department of State, *Country Reports- 2002: Mauritius*, Section 6c.

²⁸⁵⁸ U.S. Embassy- Port Louis, *unclassified telegram no. 658*.

²⁸⁵⁹ *Ibid.*

²⁸⁶⁰ *ILO, Individual Observation- Convention 29*.

²⁸⁶¹ *ILO, Ratifications by Country*, in ILOLEX, [database online] [cited August 18, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In June 2003, the Government of Moldova adopted the National Strategy for Child and Family Protection, which gives responsibility to the Ministries of Education and Labor to apply child labor legislation.²⁸⁶² 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.²⁸⁶³ Also in 2001, the Parliament passed additions to the Criminal Code that include protection of children, with provisions against trafficking, forced labor, and sexual exploitation.²⁸⁶⁴ 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.²⁸⁶⁵ In December 2002, the government signed a joint declaration with other Southeastern European nations to be assist victims of trafficking.²⁸⁶⁶ The government has cooperated with Belarus, Ukraine, and Russia to investigate trafficking cases.²⁸⁶⁷ In addition, the government has established and trained an anti-trafficking unit in the police force. Despite these efforts, due to a lack of funds at the national level, as well as corruption and linkages between government officials and organized crime, the majority of trafficking protection and awareness raising measures are being implemented by Moldovan NGOs.²⁸⁶⁸

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.²⁸⁶⁹ 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.²⁸⁷⁰

Street children in Chisinau and Belti are reported to work as prostitutes as a means of survival.²⁸⁷¹ Moldova is a source country for trafficking of women and girls for prostitution to the Middle East, Balkans, and other countries

²⁸⁶² U.S. Embassy Chisinau, *unclassified telegram no. 0959*, August, 2003. The Government will be responsible for implementing the strategy.

²⁸⁶³ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, UNICEF, June 2002, 30.

²⁸⁶⁴ *Ibid.*, 29.

²⁸⁶⁵ OSCE, *Stability Pact for Southeastern Europe: Task Force on Trafficking in Human Beings*, [online] [cited June 18, 2003]; available from www.osce.org/odihr/attf/index.php3?sc=Introduction. The Government of Moldova has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

²⁸⁶⁶ Alban Bala, *Southeastern Europe: Radio Liberty*, [online] December 13, 2002 [cited July 2, 2003].

²⁸⁶⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Moldova*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18381.htm>.

²⁸⁶⁸ *Ibid.*, 30–32. IOM is implementing a trafficking awareness raising campaign; UNICEF assists girls at risk of trafficking and prostitution; and other NGOs, including La Strada and Association for Women Lawyers, are working on the issue. For the most part, these activities are planned and implemented independently; however, the government is planning to cooperate with La Strada to implement an awareness raising campaign in schools. Save the Children Moldova has a program to provide assistance to victims of trafficking, including repatriation assistance, psychological counseling, and vocational training. See *Program for Social Assistance to Trafficked Human Beings*, Save the Children Moldova, [online] [cited June 16, 2003]; available from <http://scm.ngo.moldnet.md/trafic.html>.

²⁸⁶⁹ The total number of “working” children included “children who have done any paid or unpaid work for someone who is not a member of the household or who did more than four hours of housekeeping chores in the household or who did other family work.” Ten percent of children ages 5 to 14 had unpaid jobs for someone other than a household member, and 2 percent were engaging in paid work. See Government of Moldova, *Multiple Indicator Cluster Survey (MICS) 2*, UNICEF, 2000; available from <http://www.childinfo.org/MICS2/newreports/moldova/moldova.pdf>.

²⁸⁷⁰ U.S. Embassy– Chisinau, *unclassified telegram no. 1400*, September 2001.

²⁸⁷¹ Jean Philippe Chauzy, *Moldova - Rehabilitation Centre for Victims of Trafficking*, IOM, [online] October 22, 2002 [cited June 16, 2003]; available from <http://www.iom.int/en/archive/PBN221002.shtml>. Save the Children Moldova provides services to street children, including residential care and reintegration with their families. See “*Ashchiuta*” Center, Save the Children Moldova, [online] [cited June 16, 2003].

in Europe.²⁸⁷² UNICEF reports that trafficking of children from Moldova is on the rise due to the extreme poverty faced in the country.²⁸⁷³ 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.²⁸⁷⁴ According to information gathered by IOM through its assistance projects, some girls as young as 12 years old are trafficked to other countries.²⁸⁷⁵

Education for children is compulsory for 9 years, beginning at age 7.²⁸⁷⁶ While the Constitution guarantees free public education,²⁸⁷⁷ families face significant additional expenses, including supplies, clothes, and transportation fees.²⁸⁷⁸ 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 2000, the gross primary enrollment rate was 83.8 percent, and the net primary enrollment rate was 78.4 percent.²⁸⁷⁹ The net primary school attendance rate was more than 98.0 percent.²⁸⁸⁰ Press reports indicate that attendance may be lower in rural areas.²⁸⁸¹

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 16 years.²⁸⁸² In exceptional cases and with permission of the Trade Union Committee, minors may be employed at age 15.²⁸⁸³ In addition, 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.²⁸⁸⁴ Employees who are children must pass a medical exam every year until they reach 18 to be eligible to work.²⁸⁸⁵ Children under 18 years are prohibited from participating in hazardous work, including work underground, work related to alcoholic beverage production, transportation, and sales, and

²⁸⁷² U.S. Department of State, *Country Reports- 2002: Moldova*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Moldova*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. Women and girls are trafficked to Bosnia-Herzegovina, Macedonia, Albania, Serbia-Montenegro, Kosovo, Italy, France, Portugal, Germany, Romania, Bulgaria, Hungary, Slovakia, Czech Republic, Poland, Greece, Cyprus, Turkey, Lebanon, Israel, United Arab Emirates, Pakistan, and Afghanistan. The government recognizes that Moldova is one of the most significant source countries for trafficking in the world.

²⁸⁷³ Mark Baker, *Eastern Europe: UNICEF Official Says Child Trafficking Increasing*, Radio Free Europe/Radio Liberty, [online] June 12, 2003 [cited June 16, 2003]; available from <http://www.rferl.org/nca/features/2003/06/12062003144701.asp>.

²⁸⁷⁴ U.S. Department of State, *Country Reports- 2002: Moldova*, Section 6f.

²⁸⁷⁵ Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 26.

²⁸⁷⁶ UNESCO, *Education for All 2000 Assessment: Country Reports - Moldova*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 1999; available from http://www2.unesco.org/wef/countryreports/moldova/rapport_1.html.

²⁸⁷⁷ *Constitution of the Republic of Moldova, 1994*, Article 35; available from <http://oncampus.richmond.edu/~jjones//confinder/moldova3.htm>.

²⁸⁷⁸ U.S. Embassy- Chisinau, *unclassified telegram no. 1400*.

²⁸⁷⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁸⁸⁰ While the official age to enter primary school is 7 years, a number of children go to school before the age of 7. To account for these children, the primary school attendance rate includes all children of primary school age who were currently attending school in the school year immediately preceding the survey. See Government of Moldova, *MICS2*, 14.

²⁸⁸¹ According to 2001 Moldovan press reports, the Ministry of Education estimated that 25 percent of children in rural areas were not attending school. See U.S. Department of State, *Country Reports- 2002: Moldova*, Section 5.

²⁸⁸² Article 46 of the Labor Law, as cited in U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

²⁸⁸³ Article 181 of the Labor Law, as cited in U.S. Embassy- Chisinau, *unclassified telegram no. 1499*, October 2002. Articles 96 and 100 of the Law states that children between the ages of 15 and 16 can only work a maximum of 24 hours a week, and no more than 5 hours in a day. See U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

²⁸⁸⁴ Article 11 of the Law on Children's Rights as cited in U.S. Embassy- Chisinau, *unclassified telegram no. 1499*.

²⁸⁸⁵ Article 152 of the Labor Law, as cited in U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

work with heavy metals.²⁸⁸⁶ Legal remedies, civil fines and criminal penalties exist to enforce labor legislation, with prison terms of up to three years for repeat offenses.²⁸⁸⁷ The Constitution prohibits forced labor and the exploitation of minors.²⁸⁸⁸ A new Criminal Code came into force in June 2003,²⁸⁸⁹ and provides for 10 to 15 years imprisonment for trafficking and the use of children in the worst forms of child labor.²⁸⁹⁰ The Law on Children's Rights protects children under 18 years of age from prostitution or sexual exploitation.²⁸⁹¹

In January 2002, Moldova introduced a restructured Labor Inspection Office, which is responsible for enforcing all labor laws, including those pertaining to child labor.²⁸⁹² While child labor violations are known to occur, they have not been formally reported or uncovered.²⁸⁹³ 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. The recently-established police anti-trafficking unit is reportedly understaffed and poorly funded.²⁸⁹⁴

The Government of Moldova ratified ILO Convention 138 on September 21, 1999, and ratified ILO Convention 182 on June 14, 2002.²⁸⁹⁵

²⁸⁸⁶ Article 255 of the Labor Law, as cited in *Ibid.* The Government approved a list in 1993 of hazardous work that children cannot participate in, including mining, metal work, and well drilling.

²⁸⁸⁷ Article 183 of the Labor Law, as cited in U.S. Embassy- Chisinau, *unclassified telegram no. 1499*.

²⁸⁸⁸ *Constitution of the Republic of Moldova*, Articles 44 and 53.

²⁸⁸⁹ U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

²⁸⁹⁰ U.S. Embassy- Chisinau, *unclassified telegram no. 1499*. See also U.S. Department of State, *Country Reports- 2002: Moldova*, Section 6d. According to a 2002 report submitted to the UN Committee on the Rights of the Child by Moldovan NGOs, the new Criminal Code has inadequate measures for the enforcement of trafficking legislation, or for the protection and rehabilitation of victims. See *Complementary Report of the Non-Governmental Organizations on the Implementation of the UN Convention on the Rights of the Child in the Republic of Moldova*, Chisinau, 2002; available from http://www.crin.org/docs/resources/treaties/crc.31/Moldova_ngo_report.pdf.

²⁸⁹¹ U.S. Embassy- Chisinau, *unclassified telegram no. 2236*, August 2000. Prostitution is also illegal under Article 105-1 of the Criminal Code, and punishable by imprisonment from six months to one year. See Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 29.

²⁸⁹² U.S. Embassy Chisinau, *unclassified telegram no. 0959*.

²⁸⁹³ *Ibid.*

²⁸⁹⁴ 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. See Barbara Limanowska, *Trafficking in Human Beings in Southeastern Europe*, 30.

²⁸⁹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframE.htm>.

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

The Government of Mongolia has been a member of ILO-IPEC since 1999.²⁸⁹⁶ The National Council for Children, established in 1994 and led by the Prime Minister, reviews policies and mobilizes resources for the protection of children.²⁸⁹⁷ The National Children's Committee, under the Minister for Social Welfare and Labor, oversees the implementation of the government's policies on children, provides training to child specialists, and provides operational assistance to NGOs working on children's issues.²⁸⁹⁸ 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, livestock herding, and the informal sector (including scavenging in dump sites).²⁸⁹⁹ In September 2002, a second phase of the ILO-IPEC country program was funded by USDOL.²⁹⁰⁰ With funding from the ADB, and technical assistance from ILO-IPEC's SIMPOC, the Mongolian National Statistical Office is integrating a child labor module into the national labor force survey.²⁹⁰¹ In February 2003, the Government of Mongolia officially launched its National Programme of Action for the Development and Protection of Children,²⁹⁰² which includes provisions to combat the worst forms of child labor, the improvement of working conditions and wages for adolescents, and access to education and health services.²⁹⁰³

The government provides funds to shelters for vulnerable children.²⁹⁰⁴ In conjunction with local and national government agencies, Save the Children UK works with vulnerable children, such as working children, nomad children, and street children, by supporting shelters, providing services, and building capacity.²⁹⁰⁵ USAID has supported vocational education for disadvantaged teenagers,²⁹⁰⁶ and the World Bank initiated a project to provide microfinance to vulnerable rural families.²⁹⁰⁷

²⁸⁹⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ippec/about/countries/t_country.htm.

²⁸⁹⁷ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase II*, project document, MON/02/P50/USA, Geneva, April 9, 2002, 30.

²⁸⁹⁸ It was recently upgraded to agency status. See *Ibid.*, 29.

²⁸⁹⁹ The project was funded in September 1999. See ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia, Phase I*, project document, MON/99/05P/050, Geneva, 1999, 9.

²⁹⁰⁰ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labour in Mongolia (Phase II): Status Report*, MO/02/P50/USA, Geneva, June 2003. The second phase of the ILO-IPEC country program aims to build upon the achievements of the first phase, as well as assist the Government of Mongolia in the implementation of ILO Convention 182. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 5.

²⁹⁰¹ ILO-IPEC, *National Program for the Prevention and Elimination of Child Labor in Mongolia: Technical Progress Report*, Geneva, March 24, 2003, 8.

²⁹⁰² UNICEF, *Mongolia's Second NPA launched officially*, [previously online] [cited July 17, 2003]; available from http://www.un-mongolia.mn/unicef/show_news.php?uid=111 [hard copy on file].

²⁹⁰³ Government of Mongolia, *National Programme of Action for the Development and Protection of Children 2002-2010*, Ulaanbaatar, December 2002, 10.

²⁹⁰⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mongolia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18255.htm>.

²⁹⁰⁵ Save the Children UK, *Country Report: Mongolia*, 2002, [cited July 15, 2003]; available from http://www.savethechildren.org.uk/development/reg_pub/country_reports/Mongolia_2002.pdf. See also Save the Children UK, *Work and Children*, [online] [cited July 16, 2003]; available from <http://www.savethechildrenmongolia.mn/sc%20uk/work.html>.

²⁹⁰⁶ USAID, *Mongolia*, [online] [cited July 15, 2003]; available from http://www.usaid.gov/regions/ane/newpages/one_pagers/mong01a.htm. See also Catholic Church Mission Mongolia Technical & Vocational Training Center Ulaanbaatar USAID Grant No. 492-G-00-00020-00 Final Performance Report, [previously online] [cited July 15, 2003]; available from http://www.dec.org/pdf_docs/PDA.PDF [hard copy on file].

²⁹⁰⁷ World Bank, *Projects, Policies and Strategies: Sustainable Livelihoods Project*, [online] [cited October 22, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P067770>.

In 1997, the government established a Non-Formal Education Center to provide assistance and training on non-formal education techniques, materials and curricula.²⁹⁰⁸ Since 2000, the government has provided school materials to children from poor families to encourage them to stay in the formal school system.²⁹⁰⁹ The ADB is supporting a program to make the education sector more effective, cost efficient and sustainable.²⁹¹⁰ The program will also assist the government to implement a Second Education Development Project that will improve access to and quality of education at the basic, non-formal, and secondary levels, and create a technical education and vocational training program.²⁹¹¹ The World Bank approved a USD 8 million loan for a project to support the Government of Mongolia's Economic Growth Support and Poverty Reduction Strategy. The strategy aims to efficiently deliver high quality basic social services such as health care and education to all Mongolians.²⁹¹²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 1.2 percent of children ages 10 to 14 years in Mongolia were working.²⁹¹³ Children herd livestock and work as domestic servants.²⁹¹⁴ Other children sell goods, polish shoes, act as porters, scavenge for saleable materials, beg, and act as gravediggers.²⁹¹⁵ Children also work in informal coal mining, either in the mines or scavenging for coal outside,²⁹¹⁶ as well as in informal gold mining.²⁹¹⁷ There are increasing numbers of children living on the streets in the capital, Ulaanbaatar, who may be at risk of engaging in hazardous work.²⁹¹⁸ Urban children often work in small enterprises such as food shops or in light industry.²⁹¹⁹ To a lesser extent, children are engaged in commercial sexual exploitation.²⁹²⁰ While comprehensive information about the

²⁹⁰⁸ Learning Centers exist in each province, and provide training and education to people of various ages. However, 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. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 10-13, 30.

²⁹⁰⁹ Between 2000-2002, approximately 70,000 children received one-time assistance of this nature; however, assistance was not available to children in non-formal education settings. See *Ibid.*, 12.

²⁹¹⁰ ADB, *Country Assistance Plans- Mongolia: 2001-2003*, December 2000, [cited July 15, 2003]; available from www.adb.org/Documents/CAPs/MON/0303.asp?p=ctrymon.

²⁹¹¹ ADB, *Mongolia; Second Education Development Project*, project profile, LOAN: MON 31213-01, August 6, 2002, [cited on July 15, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/31213013.ASP>. The SEDP is also supported with funds from the Japanese government and the Nordic Development Fund, and will include construction of schools. See ADB, *Pioneer Project in Mongolia Supports Preschool and Disabled Children*, press release, [online] August 8, 2002 [cited July 15, 2003]; available from <http://www.adb.org/Documents/News/2002/nr2002128.asp>.

²⁹¹² World Bank, *World Bank Provides US\$8 Million Credit to Support Mongolia's Public Sector Reform Program*, [online] June 25, 2003 [cited July 15, 2003]; available from <http://www.worldbank.org.mn/modules.php?name=Content&pa=showpage&pid=129>.

²⁹¹³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁹¹⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 16-18.

²⁹¹⁵ Ts. Ariuntungalag, "Child Labour in Mongolia" (Ulaanbaatar: Save the Children Fund, 1998), as quoted in *Ibid.*, 16.

²⁹¹⁶ *Ibid.*, 22-23. Most mines in Nalaikh were closed almost a decade ago, but since many of the openings still exist, in practice coal mining continues. For a discussion of the conditions children face working in the sector, see the Mongolian Women's Federation Study, commissioned by ILO-IPEC in 2000, as cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 22.

²⁹¹⁷ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 23-25. 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.

²⁹¹⁸ ECPAT International, *Mongolia*, in ECPAT International, [database online] [cited July 15, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database. See also World Vision, *World Vision in Mongolia*, [online] [cited July 16, 2003]; available from <http://www.worldvision.com.au/asiapacific/country.asp?id=1&page=2>.

²⁹¹⁹ The State Labour and Social Welfare Inspection Agency conducted a study of small enterprises in several province centers and the capital. See ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 21.

²⁹²⁰ *Ibid.*, 18-20.

nature and extent of trafficking in Mongolia is not available, it is reported that Mongolia is a source and transit point for teenage trafficking victims for the purpose of commercial sexual exploitation.²⁹²¹

Article 16 of the Mongolian Constitution provides for free basic education.²⁹²² The Educational Law was revised in May 2002 to expand compulsory education for children ages 8 to 15, lower the age of enrollment to 7 years, and formally define the non-formal educational structure. The revised Law on Primary and Secondary Education of May 2002 directs local governments to cover the costs of non-formal education.²⁹²³ Children who enroll in non-formal education are entitled to take the formal school exams in order to receive primary or secondary school certifications.²⁹²⁴ The Law on Vocational Education, also adopted in May 2002, provides public funds to cover the cost of primary level vocational courses and dormitory costs for students. The law also allows students to join short-term skills training courses without providing a certificate of completion for compulsory schooling.²⁹²⁵ The National Programme of Action for the Development and Protection of Children has as an objective to increase the number of children attending pre-school, primary school, and basic education.²⁹²⁶ In 2002, the gross primary enrollment rate was 96.6 percent.²⁹²⁷ In 2000, the net primary enrollment rate was 88.8 percent.²⁹²⁸ In 2000, at the national level, 75.6 percent of children ages 7 to 12 attended school at the primary level,²⁹²⁹ and 68.6 percent of children enrolled in primary school reached grade 5.²⁹³⁰ In rural areas education levels are lower²⁹³¹ since young boys often leave school to assist their families with livestock.²⁹³² Because Mongolia is largely rural, the government subsidizes dormitories to allow children to stay near schools.²⁹³³

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 the Ministry of Social Welfare and Labor. The Labor Law prohibits minors from being required to work overtime, on holidays or on weekends, and limits

²⁹²¹ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6f.

²⁹²² *Constitution of Mongolia, 1992*, (January 13, 1992), Article 16(7); available from <http://www.law.nyu.edu/centralbankscenter/texts/Mongolia-Constitution.html>.

²⁹²³ 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.

²⁹²⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 11.

²⁹²⁵ Law on Vocational Education, cited in ILO-IPEC, *National Program in Mongolia: Status Report 2002*, 2-3.

²⁹²⁶ Government of Mongolia, *National Programme of Action*, 16-17, objectives 8,9.

²⁹²⁷ National Statistical Office of Mongolia, *Mongolian Statistical Yearbook 2002*, Ulaanbaatar, 2003, 243.

²⁹²⁸ USAID, *Global Education Database 2003*; available from <http://qesdb.cdie.org/ged/index.html>. See also World Bank, *World Development Indicators 2003*.

²⁹²⁹ Government of Mongolia, *Multiple Indicator Cluster Survey (MICS) from Mongolia: Preliminary Report*, UNICEF, September 28, 2000, [cited July 2003], 7; available from <http://www.childinfo.org/MICS2/newreports/mongolia/mongolia.htm>.

²⁹³⁰ *Ibid.*, 18.

²⁹³¹ World Bank, *Interim Poverty Reduction Strategy Paper*, Ulaanbaatar, June 2001, 17 [previously online] [cited July 15, 2003]; available from <http://poverty.worldbank.org/fi.PDF> [hard copy on file].

²⁹³² About 40 percent of students at the secondary level are males, whereas only 20 percent at the tertiary level are males. See ADB, *Country Assistance Plans- Mongolia*, Section I.C.1, "Gender Issues," item 19. See also U.S. Department of State, *Country Reports- 2002: Mongolia*, Sections 5 and 6d.

²⁹³³ 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, Part II, Chapter 2 [cited July 16, 2003]; available from www2.unesco.org/wef/countryreports/mongolia/contents.html. Government statistics suggest that more than 130,000 children ages 8 to 17 are not in school. See Government of Mongolia, *Survey on the Secondary School Dropouts*, Ulaanbaatar, October 10, 2000.

the hours of legal employment based on the age of the minor.²⁹³⁴ In 1999, the government developed a list of prohibited hazardous employment activities for minors.²⁹³⁵ Article 16 of the Constitution of Mongolia guarantees the right to favorable work conditions, rest, remuneration, and free choice of employment.²⁹³⁶ The revised Criminal Code of Mongolia, which became effective on September 1, 2002,²⁹³⁷ prohibits forced child labor and trafficking in persons. Trafficking of children is punishable by a prison term of 10 to 15 years, and violations of forced child labor provisions are punishable with a fine or up to 4 years imprisonment.²⁹³⁸ The Criminal Code also prohibits prostitution of individuals under the age of 16, and penalties apply to facilitators, procurers, and solicitors of prostitution. Penalties range from monetary fines to imprisonment of up to 5 years.²⁹³⁹ The production and dissemination of pornographic materials is also illegal under the Criminal Code, with imprisonment of up to 2 years or correctional work for a maximum of 1.5 years, or a monetary fine.²⁹⁴⁰ In accordance with the National Program of Action,²⁹⁴¹ provisions prohibiting child trafficking, slavery, and forced child labor have been recently inserted into the Law on the Protection of the Rights of the Child.²⁹⁴² In addition, the Law on Temporary Detention of Children without Supervision is designed to protect unaccompanied children whose life or health is at risk..²⁹⁴³

The State Labor and Social Welfare Inspection Agency under the Ministry of Social Welfare and Labor is responsible for enforcing child labor laws, and now collects data on children engaged in hazardous work.²⁹⁴⁴ However, there is only a small number of labor inspectors,²⁹⁴⁵ and labor inspectors rarely inspect medium and small enterprises.²⁹⁴⁶ Reports indicate that trafficking has been facilitated by corruption and weak border controls.²⁹⁴⁷

The Government of Mongolia ratified ILO Convention 138 on December 16, 2002, and ratified ILO Convention 182 on February 26, 2001.²⁹⁴⁸

²⁹³⁴ 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 13 to 27). See *Labor Law*, (Ulaanbaatar: “Bit Service” Co., Ltd., with permission of the Ministry of Justice, May 5, 1999), Articles 71, 109-110, and 141. For currency conversion, see FXConverter, [cited September 16, 2003]; available from <http://www.oanda.com/convert/classic>.

²⁹³⁵ Government of Mongolia, *List of Prohibited Jobs for Minors/People under 18*, Order No. A/204, (August 13, 1999).

²⁹³⁶ *Constitution of Mongolia*, 1992, Article 16(4).

²⁹³⁷ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 1.

²⁹³⁸ Revised Criminal Code, cited in ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 26.

²⁹³⁹ *Criminal Code of Mongolia*, as cited in The Protection Project Legal Library, [database online], Articles 110-11; available from <http://209.190.246.239/protectionproject/statutesPDF/MongoliaFpdf>.

²⁹⁴⁰ *Ibid.*, Article 256

²⁹⁴¹ One of the goals of the National Program of Action was to amend children’s rights legislation. See Government of Mongolia, *National Programme of Action*, 35.

²⁹⁴² ILO-IPEC, *National Program in Mongolia: Status Report 2003*, Annex II, 3. See also UNICEF, “National Programme of Action for Children Implementation on Track,” *Mongolia’s Children First*, vol. 23 (April-June, 2003); available from <http://www.un-mongolia.mn/unicef/newsletters/jun03.pdf>.

²⁹⁴³ Police sometimes use the law to detain street children in cold weather. Such children are vulnerable to police brutality on account of this law. See U.S. Embassy- Ulaanbaatar, electronic communication, to USDOL official, February 19, 2004.

²⁹⁴⁴ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁹⁴⁵ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6d.

²⁹⁴⁶ ILO-IPEC, *National Program in Mongolia, Phase II, project document*, 28-29.

²⁹⁴⁷ U.S. Department of State, *Country Reports- 2002: Mongolia*, Section 6f.

²⁹⁴⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Morocco became a member of ILO-IPEC in 2000²⁹⁴⁹ and launched its first program with ILO-IPEC in July 2001.²⁹⁵⁰ In January 2003, the Government of Morocco signed a Letter of Agreement with the Government of the United States to collaborate on reducing child labor and providing education alternatives for children vulnerable to child labor.²⁹⁵¹ As a result, USDOL is supporting a USD 3 million project executed by Management Systems International that aims to eliminate the practice of selling and hiring child domestic workers and to create educational opportunities for child laborers and those vulnerable to child labor.²⁹⁵² In addition, USDOL provided USD 2 million to fund an ILO-IPEC child labor project in Morocco, which aims to strengthen national efforts against the worst forms of child labor in Morocco and to remove and prevent children from work in rural areas of the country.²⁹⁵³ In March 2003, the Ministry of Employment, Social Affairs, and Solidarity collaborated with the ILO and Morocco's foremost public service association AFAK (or "Horizon"), to place a public service announcement in Morocco's leading newspapers urging Moroccans to unite in fighting child labor.²⁹⁵⁴

In October 1999, the Government of Morocco established national and sectoral action plans to combat child labor, especially its worst forms.²⁹⁵⁵ The focus of the national plan includes improving implementation and raising awareness of child labor laws, and improving basic education.²⁹⁵⁶ Sectoral plans target children in agriculture and herding, the industrial sector (carpets and stitching), metal and auto work, construction, the hospitality industry, and food production, as well as children working in informal sector.²⁹⁵⁷ Between February 1998 and April 2001, the government held awareness raising campaigns for the general public conducted by labor, safety, and health inspectors,²⁹⁵⁸ and in April 2001, inspectors began holding child labor awareness raising and training sessions for employers.²⁹⁵⁹ 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.²⁹⁶⁰ In 2003 the government took a number of measures

²⁹⁴⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 29, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

²⁹⁵⁰ U.S. Consulate – Casablanca, *unclassified telegram no. 1830*, October 2002.

²⁹⁵¹ See Transcript of the Remarks of Deputy Under Secretary for International Labor Affairs, Thomas Moorhead, at the Morocco Education Initiative Letter of Agreement Signing Ceremony, January 8, 2003. See U.S. Consulate – Casablanca, *unclassified telegram no. 0107*, January 17, 2003. See extensive press coverage on the agreement cited in Public Affairs Section Media Relations Unit, U.S. Embassy Rabat, Morocco Daily Press Summary, "Deputy Under Secretary for International Labor Affairs, Thomas Moorhead," *L'Opinion, Liberation, and Le Matin of January 10* (Rabat), 2003. , U.S. Consulate – Casablanca, *unclassified telegram no. 0107*.

²⁹⁵² USDOL, *Letter of Agreement between the U.S. Department of Labor, the Moroccan Ministry of National Education, and the Moroccan Ministry of Employment, Vocational Training, Social Development and Solidarity Regarding the U.S. Department of Labor Child Labor Education Initiative*, Washington, D.C., January 2003.

²⁹⁵³ Media Relations Unit, "Deputy Under Secretary for International Labor Affairs, Thomas Moorhead." See also U.S. Embassy Morocco official, Electronic communication to USDOL official, March 19, 2003.

²⁹⁵⁴ U.S. Embassy Morocco official, Electronic communication to USDOL official, March 19, 2003. See also U.S. Consulate – Casablanca, *unclassified telegram no. 0397*, March 28, 2003.

²⁹⁵⁵ 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.

²⁹⁵⁶ Kingdom of Morocco, *Plans national et sectoriels d'action*, 5–6.

²⁹⁵⁷ Ibid., 10–35. The plan is based on a survey of working children in Morocco. See 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.

²⁹⁵⁸ U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁵⁹ U.S. Consulate– Casablanca, *unclassified telegram no. 1157*.

²⁹⁶⁰ Ibid.

to address child labor by strengthening legal protections for children [see Child Labor Laws and Enforcement below] and by signing accords with artisans to define conditions of work for young persons.²⁹⁶¹

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.²⁹⁶² The Ministry of National Education and Youth (MNEY) also runs programs for out-of-school children under its Non-Formal Education Program.²⁹⁶³ In June 2003, MNEY announced that the government was increasing the number of schools and classrooms.²⁹⁶⁴ In September 2003, the government initiated coursework in the Berber language within 317 primary schools serving primarily a Berber population, with plans to expand the program throughout the country by 2008 should it result in reduced drop-out rates among such children.²⁹⁶⁵ The Government of Morocco continues to work with international organizations and local partners to increase school attendance. MNEY is implementing a World Bank-funded program to strengthen institutional capacity, improve teaching quality and build or rehabilitate rural schools.²⁹⁶⁶ MNEY contracts with over 40 local NGOs to provide non-formal education.²⁹⁶⁷ In cooperation with the Ministry of Health and with the support of UNICEF, MNEY is also pursuing a strategy to ensure basic education and healthcare for child workers.²⁹⁶⁸

Incidence and Nature of Child Labor

According to the 2000 National Survey of Activity, Employment and Unemployment, approximately 3.4 percent of children in Morocco under the age of 15 were engaged in child labor.²⁹⁶⁹ More than 85 percent of these children were in rural areas where 6.6 percent of boys under the age of 15 and 5.1 percent of girls are engaged in work.²⁹⁷⁰ The majority of child labor is found in the agricultural sector.²⁹⁷¹ Boys and girls work as shepherds and

²⁹⁶¹ For a detailed discussion see U.S. Consulate – Casablanca, *unclassified telegram no. 1257*, August 3, 2003.

²⁹⁶² U.S. Consulate– Casablanca, *unclassified telegram no. 1157*. The teacher–student ratio is still high with 52.5 students per class in urban schools and 38.2 in rural schools. See U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁶³ Kingdom of Morocco Ministry of National Education, *Education non-formelle: L'école de la deuxième chance*. Since its inception in 1997, the Ministry's non-formal education program has given remedial instruction to 164,076 children and is working to adapt the curriculum to make it more relevant to the needs of older students. See U.S. Consulate – Casablanca, *unclassified telegram no. 0091*, January 15, 2003, U.S. Consulate – Casablanca, *unclassified telegram no. 1257*. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1257*.

²⁹⁶⁴ U.S. Embassy Morocco official, Electronic communication to USDOL official, June 12, 2003. In 2003 the Ministry of Education planned to open 32 new primary schools and 50 junior highs. Another 380 schools are being built in poor neighborhoods. See U.S. Consulate – Casablanca, *unclassified telegram no. 1257*.

²⁹⁶⁵ U.S. Consulate– Casablanca, electronic communication to USDOL official, February 15, 2004. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1257*.

²⁹⁶⁶ 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&id=000094946_01041102152241.

²⁹⁶⁷ 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.

²⁹⁶⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Morocco*, Washington, D.C., February 2001, Section 6d [cited October 16, 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/nea/index.cfm?docid=804>.

²⁹⁶⁹ Bureau of Statistics Government of Morocco, *Emploi et Chomage- 2002*, Casablanca, 2002.

²⁹⁷⁰ Ibid.

²⁹⁷¹ U.S. Consulate– Casablanca, *unclassified telegram no. 1157*. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1257*. A Ministry of Finance and Planning labor force study by the Statistics Directorate concluded that nearly 9 out of 10 child workers are found in rural areas, and 84 percent of these are engaged in farm work. See U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

are paid with cash or in kind.²⁹⁷² Children are also known to work as carpet weavers, metalworkers, mosaic-makers, mechanics, porters, tour guides, and street vendors.²⁹⁷³ A 2001 study on street children found that they engage in diverse forms of work including selling cigarettes, begging, shining shoes, and other miscellaneous occupations.²⁹⁷⁴ Additionally, children work as laborers in small family-run workshops that produce ceramics, jewelry, woodwork, and leather goods.²⁹⁷⁵ Many children work as apprentices before they reach 12 years of age, particularly in the informal handicraft industry.²⁹⁷⁶ In urban areas, girls can be found working as domestic servants, often in situations of unregulated “adoptive servitude.”²⁹⁷⁷ In these situations, girls from rural areas are trafficked, “sold” by their parents, and “adopted” by wealthy urban families to work in their homes.²⁹⁷⁸ Girls and boys working as domestic servants and street vendors are increasingly targets of child sex tourism, particularly in the cities of Marrakech and Casablanca.²⁹⁷⁹

Education is free and compulsory for children ages 7 to 15 years as a result of a truancy-school attendance act adopted in January 2000.²⁹⁸⁰ In 2000, the gross primary enrollment rate was 94.4 percent, and the net primary enrollment rate was 78.0 percent.²⁹⁸¹ 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.²⁹⁸² Morocco has high dropout rates, particularly for rural girls who often do not complete primary school.²⁹⁸³ The

²⁹⁷² 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.

²⁹⁷³ U.S. Department of State, *Country Reports on Human Rights Practices-2002: Morocco*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/index.htm>. UNICEF estimates that 5,000 to 10,000 children work in the artisan carpet industry, and it is estimated that up to 3,000 are producing carpets for export. A Ministry of Employment and ILO-IPEC investigation found that 98 percent of children in this sector are 12 years old or younger. See U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁷⁴ 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.

²⁹⁷⁵ U.S. Department of State, *Country Reports- 2002: Morocco*. See also 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; available from <http://www.csmonitor.com/durable/2001/01/11/pls3.htm> [hard copy on file]. See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15.

²⁹⁷⁶ A study of the artisan sector in the city of Fez found that 45 percent of workers were less than 15 years of age. See U.S. Consulate– Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Country Reports- 2000: Morocco*, Section 6d. See also International Working Washington File Group on Child Labour, *Forgotten on the Pyjama Trail*, 15. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁷⁷ U.S. Department of State, *Country Reports- 2002: Morocco*, Section 5.

²⁹⁷⁸ U.S. Consulate– Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Trafficking in Persons Report-2003: Morocco*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>. 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 major Moroccan cities. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Morocco*, Washington, D.C., March 4, 2002, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/nea/8277.htm>. See also U.S. Department of State, *Country Reports- 2002: Morocco*, Section 6d. UNICEF estimates the average age of all child maids was less than 11 years old and the Morocco Statistics Directorate estimates that child maids work on average 67 hours per week. See U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁷⁹ The prostitution of boys is reportedly a growing problem in Morocco. See UNICEF, *Profiting from Abuse: An investigation into the sexual exploitation of our children*, New York, November 2001, 11; available from http://www.unicef.org/publications/pub_profiting_en.pdf. See also Dr. Najat M’jid, “Rapport sur la situation de l’exploitation sexuelle des enfants dans la région MENA” (paper presented at the Arab-African Forum against Commercial Sexual Exploitation, Rabat, Morocco, October 26, 2001); available from http://www.unicef.org/events/yokohama/background8.html#_edn1.

²⁹⁸⁰ U.S. Embassy Morocco official, Electronic communication to USDOL official, March 8, 2004. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1257*.

²⁹⁸¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²⁹⁸² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²⁹⁸³ U.S. Consulate – Casablanca, *unclassified telegram no. 1830*. See also U.S. Consulate – Casablanca, *unclassified telegram no. 1257*.

government does not enforce the compulsory education law consistently²⁹⁸⁴ and, in 1999, an estimated 80 percent of working children were not in school.²⁹⁸⁵

Child Labor Laws and Enforcement

Morocco has recently updated legislation relating to child labor. A new labor code was published in the Official Bulletin on December 8, 2003 and will take effect on June 7, 2004.²⁹⁸⁶ The new Labor Code raises the minimum age for employment from 12 to 15 years.²⁹⁸⁷ The minimum age restriction applies to the industrial, commercial, and agricultural sectors and also extends to children working in apprenticeships and family enterprises.²⁹⁸⁸ However, the new amendments do not apply to the informal sector or domestic service, where working children are particularly prevalent.²⁹⁸⁹ According to the Labor Code, children under the age of 16 are prohibited from working more than 10 hours per day, including at least a 1-hour break.²⁹⁹⁰ Children under the age of 18 are not permitted to work in hazardous occupations or at night between the hours of 9:00 p.m. and 6:00 a.m. in non-agricultural work.²⁹⁹¹ The law also sets limits on the weights that children may push, bear, or pull as part of their work, according to their age and gender.²⁹⁹²

The Labor Code prohibits forced or compulsory labor, including by children;²⁹⁹³ however, there are reports that such practices occur.²⁹⁹⁴ A law was enacted in 1993 for the protection of abandoned children in Morocco. According to this law, persons younger than 18 and unable to support themselves economically are identified as abandoned if their parents are unknown, unable to be located, or incompetent of assuming a parental role.²⁹⁹⁵ There has been some concern that girls are being fostered at higher rates than boys, and that some girls are being adopted into circumstances equivalent to forced domestic servitude.²⁹⁹⁶

The prostitution of children, corruption of minors, and involvement of children in pornography are prohibited under the Criminal Code.²⁹⁹⁷ Soliciting for the purposes of prostitution, as well as aiding, protecting, or profiting

²⁹⁸⁴ U.S. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁸⁵ Kingdom of Morocco, *Plans national et sectoriels d'action*, 3.

²⁹⁸⁶ *Law No. 65-99 relative to the Labor Code*, (December 8, 2003), as cited in the Bulletin Officiel.

²⁹⁸⁷ *Ibid.*, Article 143.

²⁹⁸⁸ U.S. Department of State, *Country Reports- 2002: Morocco*, Section 6d.

²⁹⁸⁹ ILO, UNICEF, and World Bank, *Understanding Children's Work in Morocco*, prepared by Inter-Agency Research Cooperation Initiative, March 2003, 38; available from http://www.ucw-project.org/pdf/publications/report_morocco_draft.pdf.

²⁹⁹⁰ U.S. Consulate– Casablanca, *unclassified telegram no. 1157*.

²⁹⁹¹ Hazardous work includes work that involves operating heavy machinery and exposure to toxic materials or emissions. *Ibid.* Children are also prohibited from performing night work in agriculture between 8:00 p.m. and 5:00 a.m. See *Labor Code*, Article 172.

²⁹⁹² U.S. Consulate– Casablanca, *unclassified telegram no. 1157*.

²⁹⁹³ *Labor Code*. The work of child maids 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. Consulate – Casablanca, *unclassified telegram no. 1830*.

²⁹⁹⁴ U.S. Department of State, *Country Reports- 2002: Morocco*, Section 6c.

²⁹⁹⁵ UN Committee on the Rights of the Child, *Summary Record of the 882nd Meeting, Consideration of Reports Submitted by States Parties (continued): Second Periodic Report of Morocco (continued)*, CRC/C/SR/.882, pursuant to Article 44 of the Convention on the Rights of the Child, July 16, 2003, paras. 18–19; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/\\$FILE/G0342258.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/8e3b9ac683d8dd0ac1256d7a004a2b52/$FILE/G0342258.pdf).

²⁹⁹⁶ *Ibid.*, para. 43.

²⁹⁹⁷ *Criminal Code of Morocco*, as cited in The Protection Project Legal Library, [database online] [cited November 10, 2003]; available from <http://209.190.246.239/protectionproject/statutesPDF/MOROCCO.pdf>.

from the prostitution of others, are also banned by the Criminal Code.²⁹⁹⁸ In December 2003 Parliament changed the Code to make child sexual abuse a crime and to increase penalties against those who hire children under age 18 for purposes of sexual exploitation. Under Criminal Code Article 497 (revised), anyone who incites a minor under age 18 to commit a vice or who contributes to the corruption of a minor is subject to a prison sentence of 2 to 10 years, and a fine of up to 200,000 dirhams (USD 21,739).²⁹⁹⁹

In 2003, the Moroccan Council of Ministers announced that it had adopted a law that will increase punishments against traffickers.³⁰⁰⁰ There are several statutes under which traffickers can be prosecuted, including laws on kidnapping, forced prostitution, and coercion.³⁰⁰¹ Law enforcement agencies actively investigate, prosecute, and convict traffickers.³⁰⁰²

The Ministry of Employment, Social Affairs, and Solidarity is responsible for implementing and enforcing child labor laws and regulations.³⁰⁰³ The Labor Code provides for legal sanctions against employers who recruit children under the age of 15.³⁰⁰⁴ Legal remedies to enforce child labor laws include criminal penalties, civil fines, and withdrawal or suspension of one or more civil, national, or family rights, including denial of residence for a period of 5 to 10 years.³⁰⁰⁵ However, with only a small number of labor inspectors, limited investigative powers, limited awareness of the issue, and a lack of resources, the Ministry's application of these remedies is severely constrained.³⁰⁰⁶ In addition, inspectors have no jurisdiction to monitor the working conditions of children working in the informal sector or in cottage industries.³⁰⁰⁷ The work of child maids is particularly difficult to monitor because it falls outside the jurisdiction of the Ministry of Employment. Courts can take action once two witnesses file a complaint, but few employers of child maids have been prosecuted.³⁰⁰⁸ In the few cases where legal sanctions for child labor violations are applied, they are generally insufficient to act as effective deterrents.³⁰⁰⁹

The Government of Morocco ratified ILO Convention 138 on January 6, 2000 and ILO Convention 182 on January 26, 2001.³⁰¹⁰

²⁹⁹⁸ The Protection Project, "Morocco," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from <http://www.protectionproject.org/main1.htm>.

²⁹⁹⁹ See U.S. Consulate - Casablanca, *unclassified telegram no. 0077*, January 8, 2004. The same penalties apply in cases where an attempt was made to commit such offenses or when part of the offense was committed outside Morocco. See U.S. Consulate-Casablanca, electronic communication to USDOL official, March 25, 2004.

³⁰⁰⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Morocco*. This law went into effect on November 20, 2003 as Law 02-03. See U.S. Consulate - Casablanca, *unclassified telegram no. 0066*, December 30, 2003.

³⁰⁰¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Morocco*. According to Articles 472-478 of the Penal Code, any person who uses violence, threats, or fraud to abduct (or attempt to abduct) a minor under 18 years of age, or facilitate the abduction of a minor may be imprisoned for up to 5 to 10 years. If the minor is under the age of 12, the sentence is doubled, from 10 to 20 years. See UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties: Morocco, Second periodic reports of States parties due in 2000*, CRC/C/93/Add.3, pursuant to Article 44 of the Convention on the Rights of the Child, February 12, 2003, para. 665.

³⁰⁰² U.S. Department of State, *Trafficking in Persons Report- 2003: Morocco*.

³⁰⁰³ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*. See also U.S. Department of State, *Country Reports- 2002: Morocco*, Section 6d.

³⁰⁰⁴ Employers who hire children under age 15 may be punished with a fine of 25,000 to 30,000 dirhams (USD 2,759 to 3,311). See *Labor Code*, Article 151. In the past, legal penalties were only applied in cases in which child workers had lodged a complaint of abuse or maltreatment against an employer. See ILO, UNICEF, and World Bank, *Understanding Children's Work*, 38.

³⁰⁰⁵ UN Committee on the Rights of the Child, *Consideration of Reports: Morocco*, para. 647.

³⁰⁰⁶ U.S. Consulate- Casablanca, *unclassified telegram no. 1157*.

³⁰⁰⁷ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 38.

³⁰⁰⁸ U.S. Consulate - Casablanca, *unclassified telegram no. 1830*.

³⁰⁰⁹ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 38.

³⁰¹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 22, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.³⁰¹¹ Following the completion of the survey, the Ministry of Labor worked with UNICEF to develop a Draft Strategy for the Eradication of Child Labor.³⁰¹² 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 for the protection and rehabilitation of child workers.³⁰¹³ 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.³⁰¹⁴

Government policies to assist the poor and most vulnerable, such as child laborers, include a Poverty Alleviation Action Plan (PARPA), decentralized planning, and a multi-sectoral approach to HIV/AIDS³⁰¹⁵ where the disease forces children to drop out of school in order to work.³⁰¹⁶ In August 2002 the Government of Mozambique and UNICEF signed a Master Plan of Operations to improve the living conditions of the country’s children through the PARPA.³⁰¹⁷ The government’s Poverty Reduction Strategy for 2001–2005, includes an education investment component.³⁰¹⁸

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.³⁰¹⁹ 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.³⁰²⁰ 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.³⁰²¹ The Prime Minister launched a multi-sectoral anti-child trafficking campaign with a number of public and religious personalities.³⁰²²

³⁰¹¹ Government of Mozambique, Ministry of Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, Geneva, 1999/2000. For a summary see UNICEF, *Child Workers in the Shadow of AIDS: Listening to the Children* (Nairobi, Kenya: UNICEF Eastern and Southern Africa Regional Office, 2001), 52–55 [previously online]; available from <http://www.unicef.org/pubsgen/childworkersaids/childworkersaids.pdf> [hard copy on file].

³⁰¹² Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 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 12, 2001.

³⁰¹³ U.S. Embassy– Maputo, *unclassified telegram no. 2817*.

³⁰¹⁴ His Excellency Joaquim Alberto Chissano, Statement at UN Special Session on Children, 2002; available from <http://www.un.org/ga/children/mozambiqueE.htm>.

³⁰¹⁵ See UNICEF, *Social Policy, Information and Monitoring*; available from http://unicef.org/mozambique/social_policy.htm. The government is also working with UNICEF on social protection programs necessitated by the combined effects of poverty, HIV/AIDS, climatic disturbances and social dislocation. These programs include supporting the process of legal reform and policy development to the benefit vulnerable women and children, and capacity development for special protection. See UNICEF, *Special Protection*; available from http://www.unicef.org/mozambique/crmp_rights3.htm.

³⁰¹⁶ UNICEF, *Child Workers in the Shadow of AIDS*, 51.

³⁰¹⁷ UNICEF, *Latest News*, April 28, 2003, [previously online]; available from http://www.unicef.org/mozambique/late_news.htm [hard copy on file].

³⁰¹⁸ Statement at UN Special Session on Children, 3.

³⁰¹⁹ U.S. Embassy– Maputo, *unclassified telegram no. 2817*.

³⁰²⁰ *Ibid.*

³⁰²¹ UNICEF, *UNICEF Mozambique Situation Report 04-11 Oct 2002*, ReliefWeb, [online] 2002 [cited October 15, 2003], Section 5.5; available from <http://www.reliefweb.int/w/rwb.nsf/9ca65951ee22658ec125663300408599/3606dbdaad929e4cc1256c5d0031ecb6?OpenDocument>.

³⁰²² U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*, June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/212276.htm>.

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. The government also is working with international donors to expand the primary school network.³⁰²³ The Government of Mozambique has an education sector strategic plan that includes policy support to improve girls' access and retention, improving school quality, creating and enabling environment for peer education and communication among young people, and building capacity for contingency planning in response to emergencies.³⁰²⁴ In an effort to reduce the number of children dropping out of school, UNICEF has distributed education kits to students and teachers in support of the government's policy to provide school textbooks and supplies to 70 percent of children from poor families by 2007.³⁰²⁵

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 32.1 percent of children ages 10 to 14 years in Mozambique were working.³⁰²⁶ 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 12.³⁰²⁷ Eighty percent of working children are 12 to 15.³⁰²⁸ The HIV-AIDS epidemic and climatic disruptions, including droughts, push children to work at an early age.³⁰²⁹

Children work in the informal sector on family farms, in factories, forestry, and small-scale mining.³⁰³⁰ Over 40 percent of children work as traders and hawkers.³⁰³¹ In urban areas children wash and guard cars, and collect scrap metal.³⁰³² Large numbers of children in the informal sector work in transport, where they are employed as conductors, collecting fares in minibus taxis known as "chapas."³⁰³³ In rural areas, they work on commercial farms alongside their parents or as independent workers, often picking cotton or tea.³⁰³⁴ Children, mostly girls, also work as domestic servants.³⁰³⁵ In some cases, children are forced to work in order to settle family debts.³⁰³⁶ The

³⁰²³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰²⁴ UNICEF, *Basic Education*; available from http://www.unicef.org/mozambique/education_2.htm.

³⁰²⁵ UNICEF, *Latest News*, November 15, 2002; available from http://www.unicef.org/mozambique/late_news.htm [hard copy on file]. See also UN Committee on the Rights of the Child, *Summary Record of 762nd Meeting, Consideration of Reports of State Parties. Initial report of Mozambique*, February 28, 2003.

³⁰²⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Over 33 percent of girls and 12 percent of boys began work before the age of 12.

³⁰²⁷ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 36.

³⁰²⁸ UNICEF, *Child Workers in the Shadow of AIDS*, 52.

³⁰²⁹ UNICEF, *Latest News*, November 15, 2002, [previously online].

³⁰³⁰ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Mozambique*, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18217.htm>. section 6d. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Mozambique*, Washington, D.C., March 4, 2002; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8394.htm>. section 6d. Also consult Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 58, 78.

³⁰³¹ UNICEF, *Child Workers in the Shadow of AIDS*, 58.

³⁰³² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 54.

³⁰³³ Child Labour News Service Update, *Union Puts Child Labor in Mozambique Under Spotlight*, February 1, 2002; available from http://www.sweatshopwatch.org/swatch/headlines/2002/childlabour_feb02.html.

³⁰³⁴ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 61-76.

³⁰³⁵ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d. See also Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 47.

³⁰³⁶ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6c.

number of children in prostitution is growing in both urban and rural regions such as the Maputo, Beira, and Nacala areas.³⁰³⁷ Many child victims of commercial sexual exploitation have been infected with HIV/AIDS.³⁰³⁸ Street children also work and are reported to suffer from police beatings and sexual abuse.³⁰³⁹ There have been reports of trafficking of children.³⁰⁴⁰

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.³⁰⁴¹ Enforcement of compulsory education laws is inconsistent, because of the lack of resources and the lack of schools in the upper grades.³⁰⁴²

In 2000, the gross primary enrollment rate was 91.5 percent, and the net primary enrollment rate was 54.4 percent.³⁰⁴³ Primary school attendance rates are unavailable for Mozambique. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁰⁴⁴ In 1995, the latest year for which figures are available, 46 percent of students who entered primary school reached grade five.³⁰⁴⁵ Girls have lower enrollment rates and higher dropout rates than boys, although in 1999 the dropout rate for boys exceeded that of girls.³⁰⁴⁶ Floods in 2000 destroyed a number of schools and prevented more than 105,000 primary school students from attending classes.³⁰⁴⁷ More recently, drought conditions have placed pressure on families to withdraw children from school in order to save money for food.³⁰⁴⁸ In 2003 it was estimated that almost 350,000 children in Mozambique are suffering from the combined effect of HIV/AIDS and the drought.³⁰⁴⁹ It is also estimated that AIDS could lead to a 17 percent decline in teacher numbers by 2010.³⁰⁵⁰

³⁰³⁷ Ibid.

³⁰³⁸ Ibid., Section 6f. For information on how young prostitutes in Mozambique choose to have unprotected sex to increase their income, see HIVdent, *Child Laborers at Risk for AIDS*, July 25, 2001; available from <http://www.hivdent.org/pediatrics/pedclarfa072001.htm>. See also chapter on Mozambique in UNICEF, *Child Workers in the Shadow of AIDS*, 49–60.

³⁰³⁹ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 5.

³⁰⁴⁰ Ibid., Section 6f. See also ECPAT International, *Mozambique*, [database online] [cited January 6, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁰⁴¹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 5.

³⁰⁴² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. About one half of the country's schools were destroyed in the 1980s and early 1990's during the war launched by RENAMO rebels against the government. The education system began to be rebuilt after the 1992 peace agreements. See Agencia de Informação de Moçambique, *Chissano Launches Literacy Decade*, allAfrica.com, April 30, 2003; available from <http://allafrica.com/stories/200304300611.html>. UNICEF notes that in the 1990s almost half of Mozambique's 3,200 primary schools were destroyed, and learning materials were in short supply. See UNICEF, *Child Workers in the Shadow of AIDS*, 55.

³⁰⁴³ World Bank, *World Development Indicators 2003*.

³⁰⁴⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁰⁴⁵ World Bank, *World Development Indicators 2003*.

³⁰⁴⁶ 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 2, and 52 percent reached grade 5. The rates for girls were 79 and 39 percent, respectively. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. See also UNESCO, *World Education Report 2000: The Right to Education, Towards Education for All throughout Life*, Geneva, 2000, 144. See also UNICEF, *Child Workers in the Shadow of AIDS*, 55.

³⁰⁴⁷ UNICEF Alert!, *Mozambique*, [online] August 19, 2002 [cited October 15, 2003]; available from <http://www.unicefusa.org/alert/emergency/mozambique/mozambique.html>.

³⁰⁴⁸ UNICEF, *Situation Up-date: Mozambique*, May 10, 2002.

³⁰⁴⁹ UNICEF, *Latest News*, April 28, 2003.

³⁰⁵⁰ UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*, 3.

Child Labor Laws and Enforcement

Law 8/98 sets the minimum age for employment at 15 years, but in exceptional cases, allows for children below 15 to work with the joint approval of the Ministries of Labor, Health, and Education.³⁰⁵¹ The Law sets restricted conditions on the work minors between the ages of 15 and 18 may perform, limits the number of hours they can work, and establishes training, education, and medical exam requirements.³⁰⁵² 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.³⁰⁵³ According to Article 79 of the Labor Law, employers are required to provide children between 12 and 15 with vocational training and offer age appropriate work conditions.³⁰⁵⁴ The Constitution prohibits forced labor, except in the context of penal law.³⁰⁵⁵

The offering or procuring of prostitution of any form, including that of children, is illegal under the Penal Code.³⁰⁵⁶ In May 1999, the National Assembly passed a law prohibiting the access of minors to bars and clubs in an effort to address the problem of child prostitution.³⁰⁵⁷ Some provisions of the Penal Code can also help protect minors against exploitation, incitement, or compulsion to engage in illegal sexual practices.³⁰⁵⁸ There is no law against trafficking, but some police have been trained on how to recognize and investigate trafficking cases.³⁰⁵⁹ Three pilot police stations to assist trafficking victims have also been set up in the provinces.³⁰⁶⁰ The age for conscription and voluntary recruitment into the military is 18 years.³⁰⁶¹ In times of war, however, the minimum age for military conscription may be changed.³⁰⁶²

The Ministry of Labor has the authority to enforce and regulate child labor laws in both the formal and informal sectors.³⁰⁶³ Labor inspectors may obtain court orders and use the police to enforce compliance with child labor legislation.³⁰⁶⁴ 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.³⁰⁶⁵ The Labor Inspectorate at the Ministry of Labor is responsible for investigating complaints about violations of child

³⁰⁵¹ U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁵² U.S. Embassy- Maputo, *unclassified telegram no. 2817*. See also U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁵³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁵⁴ UN Committee on the Rights of the Child, *CRC Initial Report of Mozambique*. UNICEF estimates that only about 14 percent of employers paid for school fees for boys employed in trade. See UNICEF, *Child Workers in the Shadow of AIDS*, 53.

³⁰⁵⁵ *Constitution of Mozambique, 1990*, (November 1990), Article 88(3) [cited October 15, 2003]; available from <http://confinder.richmond.edu/MOZ.htm>.

³⁰⁵⁶ *Criminal Code of Mozambique*, as cited in The Protection Project Legal Library, [database online] [cited 2003 October 24,], Article 1; available from <http://209.190.246.239/ver2/ct/Mozambique.pdf>. See also U.S. Department of State, *Country Reports- 2001: Mozambique*, Section 5.

³⁰⁵⁷ U.S. Department of State, *Country Reports- 2001: Mozambique*.

³⁰⁵⁸ Government of Mozambique, Labor, and UNICEF, *Child Labour Rapid Assessment: Mozambique (Part I)*, 80.

³⁰⁵⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Mozambique*. Prosecution of cases of sexual assault and rape, some which are trafficking-related have increased.

³⁰⁶⁰ *Ibid.*

³⁰⁶¹ U.S. Embassy- Maputo, *unclassified telegram no. 2544*, September 2001.

³⁰⁶² Coalition to Stop the Use of Child Soldiers, "Mozambique," in *Global Report 2001* London, May 2001, [cited October 15, 2003]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

³⁰⁶³ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁶⁴ *Ibid.*

³⁰⁶⁵ *Ibid.*

labor laws; however, the Labor Inspectorate and police lack adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital.³⁰⁶⁶ In theory, violators of child labor laws would be subject to fines ranging from 1 to 10 times the minimum wage.³⁰⁶⁷

The Government of Mozambique ratified ILO Conventions 138 and 182 on June 16, 2003.³⁰⁶⁸

³⁰⁶⁶ U.S. Department of State, *Country Reports- 2002: Mozambique*, Section 6d.

³⁰⁶⁷ U.S. Embassy- Maputo, *unclassified telegram no. 2817*.

³⁰⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited November 5, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. During the ratification debate several opposition deputies argued that child labor would continue as long as families are mired in poverty, and that enforcement of universal education could not be enforced without school infrastructure and teachers. U.S. Embassy- Maputo, *unclassified telegram 0551*.

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

The Government of Namibia is an associated country of ILO-IPEC.³⁰⁶⁹ The Government of Namibia collaborated with ILO-IPEC and UNICEF on a national child labor survey in 1999.³⁰⁷⁰ In 2001, the tripartite Labor Advisory Council, comprised of government, union, and private sector representatives, sponsored a series of awareness-raising workshops on child labor regulations for employers.³⁰⁷¹ Police and immigration officials received training in combating trafficking in persons in 2001.³⁰⁷² 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.³⁰⁷³ The Ministry of Women's Affairs and Child Welfare works with USAID to build community capacity to assist orphans and vulnerable children.³⁰⁷⁴ The National Planning Commission will conduct a national census on orphans.³⁰⁷⁵ In addition, the government is planning an Orphan and Vulnerable Children Fund, financed by a tax on the population. The Ministry of Women Affairs and Child Welfare will be responsible for finding foster parents for child-headed houses.³⁰⁷⁶

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 feeding programs.³⁰⁷⁷

UNICEF's country program for the 2002-2005 cycle includes a focus on children's health, care, and development.³⁰⁷⁸ It also provides more educational opportunities for girls from marginalized groups.³⁰⁷⁹

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 16.5 percent of children ages 10 to 14 years in Namibia were working.³⁰⁸⁰

³⁰⁶⁹ *All About IPEC: Programme Countries*, ILO, [online] [cited August 29, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁰⁷⁰ Government of the Republic of Namibia, *Namibia Child Activities Survey 1999: Report of Analysis*, Ministry of Labour, Windhoek, December 2000, iv; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/namibia/report/namibia.pdf>.

³⁰⁷¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Namibia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18218.htm>.

³⁰⁷² *Ibid.*, Section 6f.

³⁰⁷³ 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; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³⁰⁷⁴ USAID, *Country Profile: Namibia*, [online] November, 2002 [cited June 10, 2003]; available from http://www.usaid.gov/pop_health/aids/Countries/africa/namibia_profile.pdf.

³⁰⁷⁵ Christof Maletsky, "'Orphan tax' on the cards," *The Namibian*, December 17, 2002; available from <http://www.namibian.com/na/2002/December/national/02A1AD14DD.html>.

³⁰⁷⁶ *Ibid.*

³⁰⁷⁷ Government of the Republic of Namibia, Ministry of Basic Education, Sport, and Culture, *A Decade of Peace, Democracy and Prosperity 1990 - 2000*, [online] [cited June 10, 2003]; available from http://www.op.gov.na/Decade_peace/b_edu.htm.

³⁰⁷⁸ *Government of Namibia/UNICEF Country Programme of Co-operation 2002-2005*, UNICEF Namibia, [online] [cited June 4, 2003]; available from <http://www.un.na/unicef/ctyprogramme.htm>.

³⁰⁷⁹ *Girls' Education in Namibia*, UNICEF, [online] [cited June 10, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Namibiafinal.PDF.

³⁰⁸⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. The *Namibia Child Activities Survey 1999* found that 16.3 percent of children aged 6 to 18 years were working. See Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 40.

Approximately 95.4 percent of working children live in rural areas, with 77.8 percent of those children working in agriculture, hunting, and forestry.³⁰⁸¹ Child work is almost entirely a rural phenomenon in Namibia.³⁰⁸²

Education is compulsory in Namibia. Children are required to be in school until they complete their primary education or until the age of 16.³⁰⁸³ 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 that prevent some poor children from attending school.³⁰⁸⁴ In 2000, the gross primary enrollment rate was 112.2 percent, and the net primary enrollment rate was 81.6 percent.³⁰⁸⁵ 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.³⁰⁸⁶ In 1999, 92.3 percent of children enrolled in primary school reached grade 5.³⁰⁸⁷

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years. The Act also prohibits the employment of children under the age of 15 in any mine, industrial, or construction setting, and prohibits children under the age of 16 from working underground and children under the age of 18 from engaging in night work.³⁰⁸⁸ 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.³⁰⁸⁹

The Constitution prohibits slavery and forced labor, but does not specifically prohibit child trafficking.³⁰⁹⁰

The Ministry of Labor is responsible for enforcing the Labor Act.³⁰⁹¹ In the past year, the Ministry has hired more inspectors and also revised inspection checklists to include inquiries of child labor.³⁰⁹²

The Government of Namibia ratified ILO Convention 138 and ILO Convention 182 on November 15, 2000.³⁰⁹³

³⁰⁸¹ Government of the Republic of Namibia, *Namibia Child Activities Survey 1999*, 5 and 48.

³⁰⁸² *Ibid.*, 5.

³⁰⁸³ *Constitution of the Republic of Namibia, 1990*, (February 1990), Chapter III, Article 20; available from http://www.oefre.unibe.ch/law/icl/wa00000_.html.

³⁰⁸⁴ U.S. Department of State, *Country Reports- 2002: Namibia*, Section 5. See also *Constitution of the Republic of Namibia, 1990*, Article 20.

³⁰⁸⁵ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report. 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.

³⁰⁸⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁰⁸⁷ World Bank, *World Development Indicators 2003*.

³⁰⁸⁸ *The Government of Namibia Labor Act of 1992*, (March 13, 1992), Part V, Sections 34 and 42; available from <http://natlex.ilo.org/txt/E92NA01.htm>.

³⁰⁸⁹ *Constitution of the Republic of Namibia, 1990*, Article 15.

³⁰⁹⁰ *Ibid.*, Article 9. See also U.S. Department of State, *Country Reports- 2002: Namibia*, Section 6f.

³⁰⁹¹ ILO, *The Effective Abolition of Child Labour*, 322.

³⁰⁹² U.S. Department of State, *Country Reports- 2002: Namibia*, Section 6d. See also ILO, *The Effective Abolition of Child Labour*, 322.

³⁰⁹³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; available from <http://www.ilo.org/english/newratframeE.htm>.

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

The Government of Nepal has been a member of ILO-IPEC since 1995.³⁰⁹⁴ An initial national child labor survey conducted in 1996 by the government with technical assistance from ILO-IPEC's SIMPOC.³⁰⁹⁵ In 2001, five rapid assessments on various areas of child labor were undertaken and completed.³⁰⁹⁶ In 1995, the Ministry of Labor and Transport Management of Nepal instituted a National Steering Committee for IPEC, and in 2001, coordinated a national Master Plan on Child Labor for 2001–2010.³⁰⁹⁷ With funding from USDOL, Nepal became one of three initial countries to launch a comprehensive ILO-IPEC Timebound Program.³⁰⁹⁸ The government has taken action to rescue and rehabilitate recently freed bonded laborers and has established a Freed Kamaiya Rehabilitation and Monitoring Committee to promote this work at the district level.³⁰⁹⁹

The government has a National Plan of Action to Combat Trafficking and has established a 16-member National Coordination Committee with a National Task Force that provides policy direction and coordinates activities on child trafficking.³¹⁰⁰ Nepal is also part of an ILO-IPEC sub-regional project to combat trafficking in Asia.³¹⁰¹ As a

³⁰⁹⁴ ILO-IPEC estimates that 13,500 working children and 6,160 families have benefited from programs implemented in 29 districts of Nepal. IPEC child labor programs support awareness raising, educational programs, capacity building, income generating activities, and research. See Kamal Banskota, Bikash Sharma, and Binod Shrestha, *Study on the Costs and Benefits of the Elimination of Child Labor in Nepal*, Study for the International Labor Office International Program on the Elimination of Child Labor (IPEC), Kathmandu, 2002, 7–8.

³⁰⁹⁵ ILO-IPEC, *Child Labor Statistics, SIMPOC countries*, [online] September 11, 2002 [cited June 16, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm>.

³⁰⁹⁶ 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] October 25, 2002 [cited June 16, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/ra/index.htm>.

³⁰⁹⁷ ILO-IPEC, *Supporting the Timebound Program in Nepal: The IPEC Core TBP Project*, project document, NEP/01/P50/USA, Geneva, September 2001, 14. The National Master Plan on Child Labor calls for eliminating the worst forms of child labor in five years and all forms of child labor in ten years. It identifies 16 worst forms of child labor; the IPEC Core Timebound program will target seven worst forms of child labor in 35 districts of Nepal in two phases (totaling seven years). Targeted children are porters, rag pickers, domestic workers, laborers in the carpet industry and in mines, bonded laborers, and children trafficked for sexual or labor exploitation. See Ministry of Labor and Transport Management, *National Master Plan on Child Labor, 2001–2010*, Kathmandu, 2001, 2–3. See also ILO-IPEC, *Supporting the Timebound Program in Nepal*.

³⁰⁹⁸ ILO-IPEC, *IPEC Action Against Child Labor 2000–2001: Progress and Future Priorities*, Geneva, January 2002; available from <http://www.ilo.org/public/english/standards/ipecc/about/implementation/ipeccreport.pdf>. See also ILO-IPEC, *Supporting the Timebound Program in Nepal*. In March 2002, World Education, Inc. signed a four-year cooperative agreement with 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] 2003 [cited June 16, 2003]; available from http://www.worlded.org/projects_region_asia.html#nepal.

³⁰⁹⁹ 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), Section 8 and preamble. In 2000, USDOL funded a project to support former child bonded laborers and their families. See 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, Bardia, 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: An Overview of Child Labor Related Programs in Nepal*, Geneva, 2001, 5.

³¹⁰⁰ In February 2003, the government endorsed the National Plan of Action Trafficking (developed in 1999 and revised in 2001). See ILO-IPEC, *The Timebound Program in Nepal - The IPEC Core TBP Project*, technical progress report, NEP/01/P50/USA, Kathmandu, September 2003, 4. The Ministry of Women, Children and Social Welfare (MWCSW) has been appointed the national focal point for anti-trafficking initiatives. See Ministry of Women Children and Social Welfare, *National Plan of Action Against Trafficking in Children and Women 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. See U.S. Embassy–Kathmandu, *unclassified telegram no. 2168*, November 2002.

³¹⁰¹ This project is funded by USDOL. See ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, February 2002, 8.

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 2002.³¹⁰² The Governments of Nepal and India agreed to form a Joint Cross Border Committee Against Trafficking to collaborate on investigations and share information.³¹⁰³

In 2001, 29 child labor related programs were carried out in Nepal by 18 international development agencies for action designed to benefit Nepalese children.³¹⁰⁴ The private sector, specifically the carpet manufacturers association, is making efforts to eradicate child labor; nearly 65 percent of carpet production capacity is monitored through a system that certifies carpets are made without child labor.³¹⁰⁵

The Seventh Education Amendment was passed in 2002, which began the government's commitment to decentralization of the education system.³¹⁰⁶ The Community School Support Project received funding in 2003 from the World Bank in support of the government policy of providing communities incentives to take over the management of government-funded schools.³¹⁰⁷ The Basic and Primary Education Project has been underway since 1993 and works to improve quality, access and retention of students, and institutional capacity.³¹⁰⁸ The Primary Education Development Project has been underway since 1992 and prepares new primary school teachers and constructs schools.³¹⁰⁹ Under the Tenth Development Plan (2002-2007), the government planned to increase

³¹⁰² 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. See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit held in Kathmandu*, [press release] January 9, 2002 [cited October 16, 2003]; available from <http://www.saarc-sec.org/11summit.htm>. Each member state government has yet to ratify the convention.

³¹⁰³ U.S. Department of State, *Trafficking in Persons Report-2003: Nepal*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#nepal>.

³¹⁰⁴ In addition, there are 240 local NGOs registered throughout the country with the objective of child development, with several hundred 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.

³¹⁰⁵ Nepal Rugmark Foundation, *Rugmark Bulletin 2003*, Nepal Rugmark Foundation, Kathmandu, January 1, 2003, 1. See also U.S. Department of State, *Country Reports on Human Rights Practices-2002: Nepal*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18313.htm>.

³¹⁰⁶ "The New Approach," *The Kathmandu Post* (Kathmandu), October 25, 2002; available from http://www.kantipuronline.com/archive/kpost/2002-10-25/kp_editorial.htm.

³¹⁰⁷ Incentives include grants to about 1,500 schools, scholarships to out-of-school children from poor households to attend primary school, and support capacity building to assist communities in school management. The approved credit amount is for USD 5 million. See World Bank, *Nepal: World Bank Approves Credit for Community School Support Project*, [online news release] 2003 [cited October 27 2003]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117923~menuPK:34463~pagePK:3434426~theSitePK:4607,00.html>.

³¹⁰⁸ International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*, Geneva, revised February 2003; available from http://nt5.scbbbs.com/cgi-bin/om_isapi.dll?clientID=531873&COUNTRY=nepal&FREETEXT=&KEYWORD=®ION=&THEME=&WCount=4&advquery=%5bHeadings%20Country%2c%20nepal%5d&depth=2&headingswithhits=on&hitsperheading=on&infobase=iwde.info&record={A60}&softpage=PL_frame. See World Bank, *Basic and Primary Education Project (02)*, World Bank, [online] August 28, 2003 [cited July 28, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P040612>. The Basic and Primary Education Project 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*, [previously online] February 1, 2001; available from http://www.ramboll.dk/ramboll/news/uk/News/education_nepal.htm [hard copy on file].

³¹⁰⁹ The Primary Education Development Project is funded by ADB. See International Bureau of Education - UNESCO, *World Data on Education: Nepal Country Report*.

education expenditures by 63 percent; however, due to the instable political situation in Nepal, the government's priority has been improving the security situation in the face of a Maoist insurgency.³¹¹⁰

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 41.4 percent of children ages 10 to 14 years in Nepal were working.³¹¹¹ The majority of economically active children participate in the agriculture sector, while a small percentage work in the service sector, in transportation, and in communication.³¹¹² According to ILO-IPEC, most working children do not receive wages.³¹¹³ They often work under exploitative and hazardous conditions.³¹¹⁴ An estimated 5,000 children are living on the streets throughout the country.³¹¹⁵ Statistics on trafficking victims vary widely, with one local NGO estimating that over 200,000 Nepalese girls are residing in Indian brothels.³¹¹⁶ 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.³¹¹⁷ In 2001, a local NGO recorded 265 cases of girl trafficking, of which 34 percent were below 16 years of age.³¹¹⁸ While trafficking of children often leads to their sexual exploitation, there is also demand for trafficked boys and girls to work in the informal labor sector.³¹¹⁹ There are reports that Maoist insurgents use children as soldiers, cooks, and messengers.³¹²⁰

Although education is not compulsory, the government provides free primary education for all children between the ages of 6 and 12.³¹²¹ Still, public primary schools commonly charge non-tuition fees to offset their

³¹¹⁰ UNESCO, *EFA Global Monitoring Report 2002*, pursuant to Education for All: Is the World on Track?, 2002, 125; available from http://www.unesco.org/education/efa/global_co/policy_group/hlg_2002_monitoring_complete.pdf. In 1996, the leaders of the Maoist United People's Front launched a "People's War" and violence continues in the majority of the country. The Royal Nepal Army assumed responsibility for internal security from the National Police Force at the beginning of the state of emergency in November 2001 and a paramilitary Armed Police Force was established in August 2001. The Maoist insurrection has been waged through violence and forcibly conscripting children. See U.S. Department of State, *Country Reports-2002: Nepal*, Introduction.

³¹¹¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³¹¹² According to the National Child Labor Study, 50 types of paid economic activities outside the home have been recorded where children are involved. See Banskota, Sharma, and Shrestha, *Costs and Benefits*, 5-6. Nepali people are heavily dependent on agriculture, with over 80 percent supporting themselves with subsistence agriculture. See U.S. Department of State, *Country Reports-2002: Nepal*, Introduction.

³¹¹³ ILO-IPEC, *Strategic Plan for 2000-2007: Nepal*, Geneva, February 4, 2000, Section 2.1.1.

³¹¹⁴ The hazards children face when engaged in the 16 worst forms of child labor are described in the National Master Plan on Child Labor. For example, children working in small restaurants, bars and in domestic service lack rest, work long hours, are under the control of their employers and are at risk of sexual exploitation. When making bricks or in carpet factories, children inhale dust and risk bodily deformation from work posture or carrying heavy loads. See Ministry of Labor and Transport Management, *National Master Plan on Child Labor*, Annex 1.7.

³¹¹⁵ Child Workers in Nepal, *The State of the Rights of the Child in Nepal, 2002, National Report*, 1st ed. (Kathmandu: 2002), 40.

³¹¹⁶ Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women for Sexual and Labour Exploitation*, Kathmandu, 2001, 5.

³¹¹⁷ An unpublished 1998 report by UNICEF as cited in Ministry of Women Children and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 5.

³¹¹⁸ Child Workers in Nepal, *State of the Rights of the Child in Nepal*, 33.

³¹¹⁹ Ministry of Women, Children, and Social Welfare, *National Plan of Action Against Trafficking in Children and Women*, 6, 9.

³¹²⁰ U.S. Department of State, *Country Reports-2002: Nepal*, Section 5. See also Amnesty International, *Amnesty International Report-Nepal*, 2003; available from <http://web.amnesty.org/report2003/Npl-summary-eng>.

³¹²¹ The Nepal Constitution states that it is a fundamental right for each community to operate primary schools and education children in their mother language. It is government policy to raise the standard of living of the population through development of education and other social investments, making special provisions for females, economically and socially disadvantaged groups, and by making arrangements for free education. See *Constitution of the Kingdom of Nepal*, (November 9, 1990), Part 3, Article 18(3) and Part 4, Articles 26(1, 7-10); available from http://www.oefre.unibe.ch/law/icl/np00000_.html.

expenses,³¹²² and families frequently do not have the money to pay for school supplies and clothing.³¹²³ In 2000, the gross primary enrollment rate was 118.2 percent, and the net primary enrollment rate was 72.4 percent.³¹²⁴ 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.³¹²⁵

Child Labor Laws and Enforcement

The Labor Act of 1992 and the Children's Act of 1992 set the minimum age for employment at 14 years.³¹²⁶ The Child Labor Prohibition and Regulation Act of 2000 consolidates child labor provisions in the Labor 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 Labor Elimination Fund.³¹²⁷ The Act only covers formal sectors of employment, leaving the majority of child laborers who work in the informal sectors without legal protection. Moreover, the Act has not been effectively implemented because necessary regulations to accompany the law have not been passed.³¹²⁸ On July 17, 2000, the Government of Nepal made a landmark decision to outlaw the Kamaiya system, one form of bonded labor.³¹²⁹ The Constitution of Nepal (Article 20) prohibits the employment of minors in factories, mines or other hazardous work.³¹³⁰ Section 55 of the Labor Act allows for fines to be levied against employers in violation of labor or child labor laws.³¹³¹ The primary anti-trafficking law is the Human Trafficking Control Act of 1986.³¹³²

³¹²² ILO-IPEC, *Bonded Labor in Nepal*, project document, 1.

³¹²³ U.S. Department of State, *Country Reports-2002: Nepal*, Section 5.

³¹²⁴ There are wide disparities between primary school enrollment rates of girls and boys. In 2000, gross enrollment rates were 108 percent and 127.7 and net enrollment rates were 67.7 percent and 77.3 percent for girls and boys respectively. See World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³¹²⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³¹²⁶ 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, *Labor Act, 1992*, Chapter 1, Section 2 (h) and (i); available from <http://natlex.ilo.org/txt/E92NPL01.htm>. The Children's Act identifies a child as below the age of 16 years. See Government of Nepal, *Children's Act, 2048*, (1992), Chapter 1, Section 2(a); available from http://www.labournepal.org/labourlaws/child_act.html.

³¹²⁷ Ministry of Labor and Transport Management, *National Master Plan on Child Labor*, 8. The Child Labour Prohibition and Regulation Act defines children as below the age of 16 years, and permits the employment of children 14 years and older. See Government of Nepal, *Child Labor (Prohibition and Regulation) Act (No. 14)*, (2000), Chapter 2, Section 2(a) and Section 3(1); available from <http://natlex.ilo.org/txt/E00NPL01.htm>. Children can work up to 6 hours a day and 36 hours a week, between 6 a.m. and 6 p.m. See *Labor Act (1992)*, Chapter 2, Section 5(2).

³¹²⁸ U.S. Department of State, *Country Reports-2002: Nepal*, Section 6d.

³¹²⁹ Shiva Sharma, Bijendra Basnyat, and G.C. Ganesh, *Nepal Bonded Labor Among Child Workers of the Kamaiya System: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001; 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*.

³¹³⁰ *Constitution of the Kingdom of Nepal*. The Constitution of Nepal does not define the term "hazardous work" or the word "minor." See also Government of Nepal National Planning Commission, *Situation Analysis of Child Labor in Nepal*, July 1997, 71.

³¹³¹ Currently, persons in violation of this Act may be subject to fines between 1,000 and 5,000 Nepalese Rupees (USD 14 and 70). *Labor Act (1992)*, Article 55. For currency conversion, see FXConverter, [online] [cited July 28, 2003]; available from <http://www.oanda.com/convert/classic>. See also U.S. Embassy- Kathmandu, *unclassified telegram no. 1963*, October 2001.

³¹³² 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.

Despite these legal protections, resources devoted to enforcement are limited and the Ministry of Labor has a mixed record in this area.³¹³³ The Ministry of Labor and Transport Management's Child Labor Section and labor offices are responsible for enforcing child labor issues.³¹³⁴ The Central Child Welfare Board and Child Welfare Officers have the responsibility of enforcing child rights legislation.³¹³⁵ The Nepal Police reported only 92 cases of trafficking in 2001-2002, a decline attributed to inaccessibility of law enforcement due to the Maoist insurgency.³¹³⁶ The Attorney General's Office reported that in 2001-2002, 244 new trafficking cases were filed, of which 91 resulted in convictions and 43 acquittals, while 110 remained undecided.³¹³⁷

The Government of Nepal ratified ILO Convention 138 on May 30, 1997, and ratified ILO Convention 182 on January 3, 2002.³¹³⁸

³¹³³ U.S. Department of State, *Country Reports-2002: Nepal*, Section 6d.

³¹³⁴ See Ministry of Labor and Transport Management, *National Master Plan on Child Labor*, 8.

³¹³⁵ *Children's Act, 2048*, Sections 32 and 33.

³¹³⁶ U.S. Department of State, electronic communication to USDOL official, February 26, 2004.

³¹³⁷ U.S. Department of State, electronic communication.

³¹³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Nicaragua has been a member of ILO-IPEC since 1996.³¹³⁹ In 1997, the government created the National Commission for the Eradication of Child Labor (CNEPTI).³¹⁴⁰ Through CNEPTI, 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 and organized programs to eradicate child labor.³¹⁴¹ The government also created the National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA).³¹⁴² CONAPINA is responsible for the implementation of national policies on children and adolescents and for the application of the Child and Adolescent Code.³¹⁴³ 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.³¹⁴⁴ CONAPINA has also been actively working on this issue, most notably by promoting policies against the commercial sexual exploitation of children and adolescents.³¹⁴⁵ The Ministry of Family has consolidated its work with urban youth at risk under the Program for Children and Adolescents at Risk (PAINAR), and coordinates the Social Protection Network for disadvantaged rural youth.³¹⁴⁶

During 2003, the Ministry of Labor (MOL) worked with ILO-IPEC on several USDOL-funded projects to eliminate child labor, including projects for children working as garbage scavengers;³¹⁴⁷ on coffee farms;³¹⁴⁸ in

³¹³⁹ ILO-IPEC, *All About IPEC Programme Countries*, [online] August 13, 2001 [cited August 15, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³¹⁴⁰ The Minister of Labor is the head of CNEPTI and the First Lady serves as its honorary president. See ILO-IPEC, *Elimination of Child Labor in the Dump Yard of Managua, Acahualinca's Neighborhood "La Chureca" (Phase I)*, technical progress report, NIC/00/50P/USA, ILO-IPEC, Geneva, March 3, 2003, 2.

³¹⁴¹ 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. See also U.S. Embassy- Managua, *unclassified telegram no. 3312*, October 2003.

³¹⁴² The First Lady also serves as president of CONAPINA. See Xanthi Suarez Garcia, *Labor de CONAPINA en el 2002*, in Bolsa de Mujeres, [database online] December 23 2002 [cited August 28, 2003]; available from <http://www.grupoese.com.ni/2002/bm/ed71/conapina70.htm>.

³¹⁴³ Law number 351 provides for the organization of the CONAPINA and lists responsibilities. See *Ley núm. 351 de organización del Consejo Nacional de atención y protección integral a la niñez y la adolescencia y la Defensoría de las niñas, niños y adolescentes*, (May 29, 2000); available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlaxe?wq_fld=B380&wq_val=Nicaragua&wq_rel=AND&wq_fld=B250&wq_val=adolescencia&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=. See also Xanthi Suarez Garcia, *Labor de CONAPINA*. CONAPINA oversees the National Policy on Integral Attention for Children and Adolescents, considered public policy due to multi-sector involvement. See ILO-IPEC, *Evaluación rápida sobre niños, niñas, y adolescentes trabajadores/as urbanos/as en República Dominicana*, Santo Domingo, December 2002. As of Spring 2003, three controversial initiatives have been presented to the National Congress to revise the Child and Adolescent Code, which has interfered with the Code's implementation. See ILO-IPEC, *Elimination of Child Labor in the Dump Yard*, technical progress report, March 2003, 2.

³¹⁴⁴ The Forum has held public forums and distributed publications. The Government has also instituted an awareness campaign specifically for border police and immigration officials and has formed an Anti-Trafficking in Persons Unit within the police. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Nicaragua*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18339.htm>.

³¹⁴⁵ Xanthi Suarez Garcia, *CONAPINA*, in Bolsa de Mujeres, April 8, 2002 [cited August 28, 2003]; available from <http://www.grupoese.com.ni/2002/bm/ed67/conapina67.htm>. See also Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, ILO, 2003, 47.

³¹⁴⁶ U.S. Embassy- Managua, *unclassified telegram no. 3312*.

³¹⁴⁷ The project targets children and families working in La Chureca dump yard in Managua. See ILO-IPEC, *Elimination of Child Labor in the Dump Yard*, technical progress report, March 2003, 1.

³¹⁴⁸ This project focuses on children working in the rural areas of Matagalpa and Jinotega. It is scheduled for completion at the end of December 2003. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua (Phase I)*, technical progress report, NIC/99/05/P050, March 25, 2003, 3.

farming and stockbreeding;³¹⁴⁹ and in commercial sexual exploitation.³¹⁵⁰ In addition, the Ministry of Labor, with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL, has just completed and published a national child labor survey.³¹⁵¹ Other ILO-IPEC projects in which the Government of Nicaragua is participating include action programs in the mining, tobacco and domestic service sectors.³¹⁵²

In 2000, the Ministry of Education, Sport and Culture announced a 15-year National Education Plan.³¹⁵³ However, budget constraints have prevented sufficient funding for children's programs and primary education.³¹⁵⁴ 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.³¹⁵⁵ Nicaragua's Extra Edad program targets children over 14 years old who wish to complete primary school.³¹⁵⁶ A Bilingual Education program supports students at 120 schools.³¹⁵⁷ International

³¹⁴⁹ This project targets children working in farming and stock breeding in the Chontales Department. See ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales*, technical progress report, NIC/00/05/050, ILO-IPEC, Geneva, March 24, 2003. The project was renewed in FY2003 for a second phase. See ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, RLA/03/P50/USA, ILO-IPEC, Geneva, September 17, 2003.

³¹⁵⁰ 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, 13. 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, 090.73.204.064, March 8, 2001.

³¹⁵¹ Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 3, 16.

³¹⁵² Carmen Moreno, Sub-Regional Coordinator Central America, ILO-IPEC, electronic communication to USDOL official, September 22, 2002. See also Maria Chamorro, ILO-IPEC official, electronic communication to USDOL official, September 10, 2002.

³¹⁵³ 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 ethnic groups. See The Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000, [cited October 16, 2003]; available from <http://www.mecd.gob.ni/plannac.asp>. See also Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 47-48.

³¹⁵⁴ Education received 14.7 percent of the National Budget in 2003. However, six percent of the annual budget is automatically allotted to university education. See U.S. Embassy- Managua, *unclassified telegram no. 3312*.

³¹⁵⁵ The project focuses on indigenous and multiethnic populations and provides teacher training and educational materials to 262 primary and secondary schools in the north Atlantic region. See UNWire, "Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights", [online], February 7, 2002 [cited August 28, 2003]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23665.

³¹⁵⁶ Classes are offered after work to accommodate students' work schedule. See Drusilla K. Brown, *Child Labor in Latin America: Policy and Evidence*, Working Paper, Department of Economics at Tufts University, Medford, MA., February, 2001, 13. A teacher's guide has been published by the Ministry of Education, and endorsed by the Ministry of Labor, to assist teachers working with overage children and children engaged in child labor. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry*, technical progress report, March 2003, 2.

³¹⁵⁷ Ministry of Public Education, *Bilingue Intercultural*, Managua, no date given.

organizations and donors such as USAID,³¹⁵⁸ the World Bank,³¹⁵⁹ UNICEF,³¹⁶⁰ and the WFP,³¹⁶¹ have also supported education projects in Nicaragua. In June 2002, the Government of Nicaragua became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.³¹⁶²

Incidence and Nature of Child Labor

In 2000, a Ministry of Labor Survey on Child Labor estimated that 17.7 percent of children in Nicaragua between the ages of 5 to 17 years had worked at one time in their lives.³¹⁶³ The agriculture, forestry and fishing sectors constitute the largest employers of child workers, followed by work in business, restaurants and hotels, community and social services and manufacturing.³¹⁶⁴ Specifically, children work in the production of export crops such as coffee, bananas, tobacco, and sugar, as well as in fishing, stockbreeding and mining.³¹⁶⁵ Sixty percent of working children work in the informal sector.³¹⁶⁶ In Managua, children work on city streets, selling merchandise, cleaning car windows, or begging.³¹⁶⁷ Some children are forced by their parents to work as beggars and street vendors, and

³¹⁵⁸ USAID supports basic education by funding teacher training, the development of new materials and teacher training modules. USAID has also made funds available for education reform and the expansion of the model school program. It is encouraging private donations through a matching funds program. See USAID, *Nicaragua: Data Sheet*, USAID, Washington, D.C., 2003.

³¹⁵⁹ The Second Basic Education Project for Nicaragua, which runs until 2004, increases coverage of preschool and primary levels, improves quality and efficiency of preschool and primary education and provides for the continued institutional strengthening and modernization of the Ministry of Education, Culture, and Sports. See The World Bank Group, "Nicaragua - Second Basic Education Project," *Documents and Reports*, 2003; available from http://www-wds.worldbank.org/servlet/WDSServlet?pcont=details&eid=000094946_99082508013483. A Country Assistance Strategy was also approved including a Programmatic Structural Adjustment Credit to raise the coverage and quality of primary education, as well as attend to other social needs. See The World Bank Group, "Nicaragua: Country Assistance Strategy," (Washington, D.C.), March 13, 2003; available from <http://lnweb18.worldbank.org/external/lac/lac.nsf/0/4751254F621B340585256CE7007990F2?OpenDocument>.

³¹⁶⁰ Funding from the Netherlands and Sweden has enabled UNICEF to expand the "Healthy Schools Initiative" to improve the quality of education, and provide basic infrastructure, hygiene, health and nutrition. See UNWire, "UNICEF Expands Its \$2.1 Million Healthy Schools Initiative", [online], February 21, 2003 [cited August 28, 2003]; available from http://www.unwire.org/unwire/20030221/32170_story.asp. See also Gonzalez/Olivias, *La Prensa* (Managua), February 20, 2003.

³¹⁶¹ The WFP is working with the Nicaraguan Government to institute a national school feeding program. See UNWire, "WFP, Government Work To Keep Children In School", [online], March 20, 2003 [cited August 28,]; available from http://www.unwire.org/unwire/20030320/32697_story.asp.

³¹⁶² World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

³¹⁶³ Forty-four percent of children, who worked at one time in their lives, are under the age of 14 and 36.5 percent began working before they turned 10. According to the survey, 71.5 percent of children who have worked are boys and 28.5 percent are girls, although the survey acknowledges that these numbers may not present an accurate picture of the gender balance among working children due to the invisibility of work commonly done by girls. The total number of working children in Nicaragua is just over 314,000. See Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 16.

³¹⁶⁴ The most common economic activities involving children include agriculture, forestry and fishing (53.1 percent), business, restaurants and hotels (19.2 percent), community, social and personal services (11.1 percent), industrial manufacturing (10.7 percent), construction (3.7 percent), transport (1.6 percent), financial establishments (0.3 percent) mines and quarries (0.2 percent) and electricity, gas and water (0.1 percent). Most children working in these sectors begin work when they are 5 and 6 years old. However, children working in mines and quarries begin work at 13. See *Ibid.*, 60, 17.

³¹⁶⁵ 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, technical progress report, March 2003*, 1. See also Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 60.

³¹⁶⁶ Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 17.

³¹⁶⁷ A 1996 study by the National Commission against Child Labor found 6,219 children working urban areas as beggars, car washers and parking attendants. See U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6d.

some are “rented” out by their parents to organized groups of beggars.³¹⁶⁸ Child prostitution is reported to have increased in Nicaragua, particularly in Managua, port cities, rural areas, along the Honduran and Costa Rican borders, and near highways.³¹⁶⁹ Nicaragua is considered to be a source and transit country for trafficking.³¹⁷⁰ Education is free and compulsory through the sixth grade (age 12) in Nicaragua; however, this provision is not enforced.³¹⁷¹ 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, and has recommended that the government increase the number of years of compulsory education from 6 to 9 years.³¹⁷² For the 1997-1998 school year, the gross attendance rate was 105.1 and the net attendance rate was 73.1 percent.³¹⁷³ Forty-nine percent of working children do not attend school.³¹⁷⁴

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.³¹⁷⁵ Under the Labor Code, children cannot work over 6 hours a day or 30 hours a week.³¹⁷⁶ Children 14 to 16 years old cannot work without parental permission.³¹⁷⁷ The Labor Code prohibits young people under the age of 18 from engaging in work that endangers their health and safety, such as work in mines, garbage dumps and night entertainment venues.³¹⁷⁸ It also prohibits any employment of children or adolescents that could adversely affect normal childhood development or interfere with schooling.³¹⁷⁹ On October 15, 2003, Articles 130 through 135 of the 1996 Labor Code were amended in an effort to strengthen protections against hazardous child labor.³¹⁸⁰ The Child and Adolescent Code

³¹⁶⁸ Ibid., Section 6c. 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. See Roberto Fonseca, *Child Slavery in Nicaragua*, (Edition No. 52), in Angel de la Guarda, [online] July-August 2002 [cited September 4, 2003]; available from <http://www.angel.org.ni/2002-52/temacentral-i.html>.

³¹⁶⁹ A 1998 study found that 40 percent of the prostitutes in Managua were under 14 years. UNICEF has also noted an increase in prostitution among children between the ages of 12 and 16 in towns where taxi drivers serve as middlemen. OAS noted an increase in prostitution among girls as young as 10. See U.S. Department of State, *Country Reports- 2002: Nicaragua*, Sections 5, 6d and 6f. See also The Protection Project, “Nicaragua,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from <http://www.protectionproject.org/main1.htm>.

³¹⁷⁰ Children have been trafficked for prostitution from Nicaragua to El Salvador, Honduras, Guatemala, and Belize as well as to other countries north and south of Nicaragua. See International Human Rights Law Institute, *Modern Bondage: Sex Trafficking in the Americas*, DePaul University College of Law, DePaul, October 2002, 4, 47. See U.S. Department of State, *Trafficking in Persons Report- 2003: Nicaragua*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

³¹⁷¹ *Constitución de Nicaragua*, (1987), Article 121 [cited October 6, 2003]; available from <http://www.asamblea.gob.ni/frameserviciosinformacion.htm>. See also Article 43 in *Código de la Niñez y la Adolescencia*, Ley. No. 287, (May 1998); available from <http://www.asamblea.gob.ni/frameserviciosinformacion.htm>. See also U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 5.

³¹⁷² UN Committee on the Rights of the Child, *Concluding Observations: 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; available from <http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/a60af0697af839428025679700483778?OpenDocument>.

³¹⁷³ USAID, *Demographic Health Survey 2002* [CD-ROM], Washington, DC, 2002.

³¹⁷⁴ Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 18.

³¹⁷⁵ *Código del Trabajo*, Ley. No. 185, Article 131; available from <http://natlex.ilo.org/txt/S96NIC01.htm#11t6c1>. See also *Código de la Niñez y la Adolescencia*, Article 73.

³¹⁷⁶ *Código del Trabajo*, Article 134. However, 13 percent of working children have been found to work more than eight hours a day. See Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 17.

³¹⁷⁷ U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6d.

³¹⁷⁸ *Código del Trabajo*, Article 133. Recent amendments to the Labor Code expand the list of conditions under which adolescents are forbidden to work and grant CNEPTI the authority to further amend the list. See U.S. Embassy- Managua, *unclassified telegram no. 3312*.

³¹⁷⁹ *Código del Trabajo*, Article 132.

³¹⁸⁰ The amendment eliminates the legal loophole previously allowing children under 14 to work under special circumstances and strengthens provisions for adolescent workers. U.S. Embassy- Managua, *unclassified telegram no. 3312*.

prohibits adolescents from engaging in work in unsafe places, work that endangers their life, health, or physical, psychological, or moral integrity, work in mines, underground, in garbage dumps, night clubs, work with dangerous or toxic objects, or night work in general.³¹⁸¹ An inter-ministerial resolution on the Minimum Forms of Work Protection prohibits contracting children under 16 for work in the ocean and another Ministerial Regulation prohibits contracting work with children under 14 years in the Free Trade Zones.³¹⁸² The Constitution prohibits slavery and servitude and also provides protection from any type of economic or social exploitation.³¹⁸³ Penalties for violating the rights of child workers include a fine of between Nicaragua Cordoba Oro 500 (NIO 500) (USD 33.11) and NIO 5000 (USD 331.13).³¹⁸⁴

The Penal Code prohibits the promotion of prostitution and assigns the maximum penalty for those who recruit children under 14 into prostitution.³¹⁸⁵ In addition, Article 69 of the Children and Adolescents' Code forbids any person from promoting, filming or selling child pornography.³¹⁸⁶ A statute specifically prohibits trafficking and imposes 10 years imprisonment on those found in violation of the statute.³¹⁸⁷ The Public Prosecutor of the Republic is responsible for initiating criminal action for the crimes of rape, procuring and trading in persons, and sexual abuse.³¹⁸⁸

The government established a Child Labor Inspector's Office within the MOL's Inspector General's Office in 2001.³¹⁸⁹ A total of 31 labor inspectors operate nationwide, including 4 child labor inspectors.³¹⁹⁰ Although there is no specific evidence of corruption in regard to trafficking, corruption in government is a problem and trafficking victims often carry false documents obtained through legitimate processes.³¹⁹¹

The Government of Nicaragua ratified ILO Convention No. 138 on November 2, 1981, and ILO Convention No. 182 on November 6, 2000.³¹⁹²

³¹⁸¹ The Code also threatens sanctions for those who exploit children (and especially those who profit from the exploitation of children), reinforces restrictions against involving children under 14 years old in work, and reaffirms the responsibility of the Ministry of Labor to ensure compliance with these laws. See *Código de la Niñez y la Adolescencia, Ley. No. 287*, October 4, (publicado en la Gaceta No. 97, 27 Mayo 1998), Articles 26, 74, and 75; available from <http://www.asamblea.gob.ni/frameserviciosinformacion.htm>.

³¹⁸² Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, 43. See also U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6d.

³¹⁸³ *Constitución de Nicaragua, 1986*, (1986), Article 40, 84; available from <http://www.right-to-education.org/content/consuarant/nicaragua.html>. Prohibitions against forced labor in the Constitution do not specifically address forced or bonded labor by children. See U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6c.

³¹⁸⁴ *Código del Trabajo*, Article 135. See also FXConverter, [online] [cited August 18, 2003]; available from <http://www.carosta.de/frames/convert.htm>. After fining businesses in violation of child labor laws three times, inspectors have the authority to close offending businesses. Revenues for fines are assigned to CNEPTI. See U.S. Embassy- Managua, *unclassified telegram no. 3312*.

³¹⁸⁵ Although prostitution is legal for persons 14 years and older, laws prohibit the promotion of prostitution. See U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6f. The Penal Code also penalizes forced prostitution of females who are 12 years or older with 1 to 5 years imprisonment. See U.S. Embassy- Managua, *unclassified telegram no. 2462*, September 2000.

³¹⁸⁶ *Código de la Niñez y la Adolescencia*, Article 69.

³¹⁸⁷ U.S. Department of State, *Country Reports- 2002: Nicaragua*, Section 6f.

³¹⁸⁸ *Penal Code*, Article 205; available from <http://209.190.246.239/protectionproject/statutesPDF/NicaraguaFpdf>.

³¹⁸⁹ The office currently has 4 child labor inspectors. Thirty-one general labor inspectors also investigate child labor violations. Inspectors focus almost exclusively on the formal sector. See U.S. Embassy- Managua, *unclassified telegram no. 3312*. The Ministry of Labor has initiated a pilot project to monitor nightclubs and other businesses where children are sexually exploited. See International Human Rights Law Institute, *Modern Bondage*, 63.

³¹⁹⁰ U.S. Embassy- Managua, *unclassified telegram no. 3312*.

³¹⁹¹ Trafficking north from Nicaragua is made easier by the free transit agreement between Central American countries and weak border controls. See International Human Rights Law Institute, *Modern Bondage*, 44, 48. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Nicaragua*.

³¹⁹² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 30, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Niger has been a member of ILO-IPEC since 2000.³¹⁹³ In 2000, with the support of UNICEF, the government conducted a Multiple Indicator Cluster Survey on the Situation of Children, of which child labor and education were essential components.³¹⁹⁴ The Government of Niger is working with other West African countries to combat child trafficking. In January 2002, government 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.³¹⁹⁵ In the resulting Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.³¹⁹⁶ Accordingly, the Government of Niger has conducted anti-child trafficking information campaigns.³¹⁹⁷ The government's Child Protection and Survival of Children division also furthered its efforts against child trafficking in 2002 by publicizing the rights of children through seminars, workshops, television broadcasts, and other media.³¹⁹⁸ In addition to coordinating public awareness raising activities in the region, the participating countries also pledged to harmonize anti-trafficking legislation.³¹⁹⁹ In 2000, the Minister of Justice formed a commission with the Association of Traditional Chiefs and an international organization to investigate the problem of child brides.³²⁰⁰ In the same year, the Association of Traditional Chiefs signed an agreement with UNICEF to support programs against early childhood marriages and forced child labor.³²⁰¹

Since 2000, ILO-IPEC has launched several projects, with funding from France, aimed at ending child labor on grain farms, in gold mines, and at the slaughterhouse in Niamey, and reintegrating child workers and street children into schools.³²⁰² In 2001, the Ministry of Labor organized a national workshop with UNICEF and ILO-IPEC to set the foundation for the formulation of child labor laws and regulation.³²⁰³

³¹⁹³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited September 9, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³¹⁹⁴ Republic of Niger, *Enquête a indicateurs multiples de la fin de la décennie (draft) (MICS2)*, UNICEF, November 2000; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=215n.

³¹⁹⁵ Integrated Regional Information Networks, "West and Central Africa: IRIN Focus on Regional Efforts Against Child Trafficking", IRINnews.org, [online], January 21, 2002 [cited July 16, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=19693>.

³¹⁹⁶ Ibid..

³¹⁹⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Niger*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

³¹⁹⁸ In 2000, the Justice Minister announced the government's intent to conduct a study on trafficking as part of a legal modernization effort, however, there is no information available on the progress of this study. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Niger*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18219pf.htm>.

³¹⁹⁹ Integrated Regional Information Networks, "West and Central Africa: IRIN Focus on Regional Efforts". See also U.S. Department of State, *Trafficking in Persons Report- 2003: Niger*.

³²⁰⁰ U.S. Department of State, *Country Reports- 2002: Niger*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Niger*.

³²⁰¹ 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.

³²⁰² Five hundred underage workers, half of them girls, were targeted in the grain farm project, and about 350 working minors were targeted through the slaughterhouse project. See Integrated Regional Information Networks, "Niger: Child Labour Project Launched", IRINnews.org, [online], September 13, 2001 [cited July 16, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=11374>. See also ILO-IPEC, Electronic Communication from IPEC, USDOL, August 16, 2003.

³²⁰³ U.S. Embassy- Niamey, *unclassified telegram no. 1645*, October 2001.

The Government of Niger is also working with various agencies and NGOs to improve its primary education sector. In late 2001, the government set aside USD 4.2 million for the purchase of school supplies to promote primary schooling.³²⁰⁴ Education is a cornerstone of the country's Poverty Reduction Strategy Paper under the IMF's Enhanced Highly Indebted Poor Countries Initiative.³²⁰⁵ The goals of this initiative include increasing primary school enrollment and completion rates, especially among girls, as well as enrollment in secondary rural schools.³²⁰⁶ In July 2002, the World Bank launched a fast-track program to support Education For All (EFA) in 18 countries considered the most in need, including Niger. EFA aims to provide universal primary education by 2015.³²⁰⁷ The Ministry of National Education dedicated an office to promoting girls' education in 2000.³²⁰⁸ 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 particularly among girls, and improve the quality of primary education.³²⁰⁹ WFP is also active in Niger, implementing activities to increase enrollment and attendance in primary schools through a school canteen program.³²¹⁰

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.³²¹¹ Children work primarily in the informal and agricultural sectors.³²¹² Children in rural areas mainly work on family farms gathering water or firewood, pounding grain, tending animals, or working in the fields.³²¹³ Children as young as 6 years old are reported to work on grain farms in the southwest.³²¹⁴ Children also shine shoes; guard cars; work as apprentices for artisans, tailors, and mechanics; perform domestic work; and work as luggage porters and street beggars.³²¹⁵ Hazardous employment of children is known to occur in a number of industries and regions, including

³²⁰⁴ Integrated Regional Information Networks, "Niger: Over USD 4.2 Million for School Supplies", IRINnews.org, [online], October 3, 2001 [cited July 16, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=11954>.

³²⁰⁵ Republic of Niger, *Full Poverty Reduction Strategy*, Niamey, January 2002, 62. See also U.S. Embassy- Niamey, *unclassified telegram no. 1645*. See also U.S. Embassy- Niamey, electronic communication to USDOL official, February 19, 2004.

³²⁰⁶ Republic of Niger, *Poverty Reduction Strategy*, 62.

³²⁰⁷ UNESCO, *Third Meeting of the Working Group on Education for All*, press release, 2002-47, Paris, July 24, 2002; available from http://portal.unesco.org/en/ev.php@URL_ID=4849&URL_DO=DO_TOPIC&URL_SECTION=201.html.

³²⁰⁸ 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.

³²⁰⁹ UNICEF, *UNICEF- At a Glance: Niger- The Big Picture*, [online] [cited September 9, 2003]; available from <http://www.unicef.org/infobycountry/niger.html>.

³²¹⁰ WFP, *World Hunger - Niger*, [online] [cited July 16, 2003]; available from http://www.wfp.org/country_brief/indexcountry.asp?country=562.

³²¹¹ According to the UNICEF survey, 60.9 percent of children ages 5 to 9, and 82.6 percent of children ages 10 to 14 years work. The statistics include 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)*. In 2001, the ILO estimated that 43.3 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 2003* [CD-ROM], Washington, D.C., 2003.

³²¹² International Confederation of Free Trade Unions (ICFTU), *Internationally Recognised Core Labour Standards in Niger and Senegal*, ICFTU, Geneva, September 24, 2003, 1; available from <http://www.icftu.org/www/pdf/nigersenegalclsreport.pdf>.

³²¹³ U.S. Department of State, *Country Reports- 2002: Niger*, Section 6d.

³²¹⁴ Integrated Regional Information Networks, "Niger: Child Labour Project Launched".

³²¹⁵ 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.

the mining of gold in Tillabery, trona in Gosso, salt in Dosso, gypsum in Tahoua,³²¹⁶ and meat packing, processing, and rendering at the main slaughterhouse in Niamey.³²¹⁷

Niger serves as a source, transit, and destination country for trafficking victims, including children.³²¹⁸ Victims are trafficked to Niger primarily from Benin, Togo, Nigeria, and Ghana.³²¹⁹ Most of these children end up either in domestic work or prostitution.³²²⁰ Children from Niger are trafficked within the country from rural to urban areas and within the West African region for the purpose of forced labor, particularly in domestic service.³²²¹ It is also reported that religious teachers exploit young boys who are sent to them for education by coercing them to beg in the streets.³²²² The commercial sexual exploitation of children for prostitution and pornography is a problem in Niger.³²²³

Primary education is compulsory for six years.³²²⁴ In 2000, the gross primary enrollment rate was 35.5 percent, and the net primary enrollment rate was 30.5 percent.³²²⁵ Primary school attendance rates are also low, particularly for girls.³²²⁶ 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.³²²⁷ In 1998, the gross primary attendance rate was 33.1 percent, and the net primary attendance rate was 26.2 percent.³²²⁸ Girls' limited access to education may be attributed, in part, to traditional practices, conservative religious beliefs and extreme poverty.³²²⁹ Children are often forced to work

³²¹⁶ In 2000, the ILO estimated that 57 percent of the workers in small mines and quarries in Niger were children. In the shanty-towns that spring up around the mines, there are reports that girls as young as 12 are involved in prostitution and that both boys and girls are exploited in drug trafficking. See Soumaila Alfa, *Child Labour in Small-Scale Mines in Niger*, working paper, ILO, Geneva, September 28, 2000; available from <http://www.ilo.org/public/english/dialogue/sector/papers/childmin/137e1.htm#Niger>.

³²¹⁷ U.S. Embassy- Niamey, *unclassified telegram no. 1166*, August 15, 2003. See also Integrated Regional Information Networks, "Niger: Child Labour Project Launched".

³²¹⁸ U.S. Department of State, *Trafficking in Persons Report- 2003: Niger*. See also Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, New York, April 2003; available from <http://www.hrw.org/reports/2003/togo0403/>.

³²¹⁹ U.S. Department of State, *Country Reports- 2002: Niger*, 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), 3; available from <http://homepage.mac.com/casewright/.cv/casewright/Public/AfricaChildTrafficking.pdf-link.pdf>.

³²²⁰ U.S. Department of State, *Country Reports- 2002: Niger*, Section 6f.

³²²¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Niger*. See also ILO-IPEC, *Unbearable to the Human Heart: Child trafficking and action to eliminate it*, ILO, Geneva, 2002, 20; available from <http://www.ilo.org/public/english/standards/ipecc/publ/childtraf/unbearable.pdf>. According to a recent survey by Timidria, a local human rights group in Niamey, more than 800,000 people in Niger are living in conditions of forced labor. In recent years, Timidria has worked to liberate approximately 100 slaves, of which 22 percent were children. See Oxfam International, *Freed Slaves in Niger Start New Lives*, [online] 2002 [cited September 9, 2003]; available from http://www.oxfam.org/eng/story_Niger_slaves.htm.

³²²² U.S. Department of State, *Country Reports- 2002: Niger*, Sections 5 and 6f.

³²²³ UN Committee on the Rights of the Child, *Niger- Reports to Treaty Bodies*, CRC/C/15/Add.179, June 2002; available from <http://www.hri.ca/fortherecord2002/vol12/nigertb.htm>. See also ECPAT International, *Niger*, in ECPAT International, [database online] [cited July 16, 2003], "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- 2002: Niger*, Section 5.

³²²⁴ U.S. Department of State, *Country Reports- 2002: Niger*, Section 5.

³²²⁵ There is significant gender disparity in gross primary enrollment rates between boys (42.2 percent) and girls (28.6 percent) for 2000. See World Bank, *World Development Indicators 2003*.

³²²⁶ According to results from a MICS survey in 2000, among children ages 5 to 12, only 25.2 percent of girls attended school in Niger, compared to 35.4 percent of boys. See Republic of Niger, *Enquête a indicateurs multiples de la fin de la decennie (draft) (MICS2)*.

³²²⁷ The U.S. Department of State reported in 2002 that the female literacy rate was 7 percent, compared with 21 percent for men. See U.S. Department of State, *Country Reports- 2002: Niger*, Section 5.

³²²⁸ 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. See USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

³²²⁹ Government of Niger, *Criminal Code: Chapter VIII- Offenses Against Public Morals*, as cited in The Protection Project Legal Library, [database online]; available from <http://209.190.246.239/protectionproject/statutesPDF/NigerFpdf>.

rather than attend school, particularly during planting or harvest periods. In addition, nomadic children in northern parts of the country often do not have the opportunity to attend school.³²³⁰

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.³²³¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, although children under 14 may work with special authorization. Children 14 to 18 years old may not work for more than 4.5 hours per day or in industrial jobs.³²³² The Labor Code prohibits forced and compulsory labor, except for work by convicted prisoners.³²³³ The law also requires that employers guarantee minimum sanitary working conditions for children.³²³⁴ 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.³²³⁵ As of 2003, there were eight Ministry of Labor inspectors charged with enforcing child labor laws at a regional level, one inspector per region.³²³⁶ However, children mainly work in unregulated sectors, and there is virtually no child labor in the formal sector.³²³⁷

The Government of Niger ratified ILO Convention 138 on December 4, 1978 and ILO Convention 182 on October 23, 2000.³²³⁸

³²³⁰ U.S. Embassy- Niamey, *unclassified telegram no. 2219*, July 2000.

³²³¹ UN Committee on the Rights of the Child, *Rapports initiaux*, para. 302, 03, 05, 06.

³²³² U.S. Embassy- Niamey, *unclassified telegram no. 0822*, February 1998.

³²³³ In addition to the existing prohibition of forced labor in the Labor Code, a new law was passed in May 2003 to outlaw all forms of slavery and to assign prison sentences of 10 to 30 years for those in violation. Despite these legal proscriptions, a traditional caste system is practiced by some ethnic minorities, which promotes slave-like relationships between the upper and lower castes. See U.S. Department of State, *Country Reports- 2002: Niger*. See also International Confederation of Free Trade Unions (ICFTU), *Core Labour Standards in Niger and Senegal*, 8-9.

³²³⁴ U.S. Department of State, *Country Reports- 2002: Niger*, Section 6c.

³²³⁵ The penalty for procuring a minor is 2 to 5 years imprisonment and a fine of 50,000 to 5,000,000 francs (USD 85.58 to 8,558.03). See Government of Niger, *Criminal Code*. For currency conversion, see *Universal Currency Converter*, in XE.com, [online] [cited September 9, 2003]; available from <http://www.xe.com/ucc/convert.cgi>.

³²³⁶ No accurate figures exist as to the number of labor complaints investigated. See U.S. Embassy- Niamey, *unclassified telegram no. 1166*. See also U.S. Department of State, *Country Reports- 2002: Niger*, Section 6c.

³²³⁷ Children work in the informal agricultural, artisan and commercial sectors. Some children, particularly foreign-born children, are hired as domestic laborers for low pay. Most rural children work for their families. See U.S. Department of State, *Country Reports- 2002: Niger*, Section 6c.

³²³⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 17, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Nigeria became a member of ILO-IPEC in 2000.³²³⁹ The government participated in the implementation of a USDOL-funded ILO-IPEC national program to eliminate child labor³²⁴⁰ and in a USDOL-funded ILO-IPEC regional project to combat the trafficking of children.³²⁴¹ The Nigerian Federal Office of Statistics is completing a USDOL-funded national child labor survey with technical assistance from ILO-IPEC.³²⁴² 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.³²⁴³

The Federal Ministry of Women Affairs and Youth Development has developed a National Plan of Action on child trafficking, and exploitation³²⁴⁴ and, as a member state of the Economic Community of West African States adopted a regional Plan of Action against trafficking in Human Beings in December 2001.³²⁴⁵ 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 cocoa sector.³²⁴⁶ In July 2002, the International Institute of Tropical Agriculture and national research collaborators completed a study of child labor in the cocoa industry in Cameroon, Côte d'Ivoire, Ghana, and Nigeria.³²⁴⁷ The Government of Nigeria is working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime to strengthen anti-trafficking efforts. The UN Office is providing technical assistance in areas such as research, law enforcement training, and the creation of regional anti-trafficking networks.³²⁴⁸ The government supports school-based child rights clubs, and, through the human trafficking unit of the Nigerian Immigration Service, also sponsors information campaigns on trafficking.³²⁴⁹ With involvement of the government, UN agencies, and civil societies, IOM is leading an awareness-raising project against trafficking.³²⁵⁰

³²³⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 25, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. Working with ILO-IPEC, the government established a National Steering Committee on child labor in 2000. See ILO-IPEC, *National Programme on the Elimination of Child Labour in Nigeria*, NIR/99/05/060, Geneva, November 1999.

³²⁴⁰ ILO-IPEC, *National Programme on the Elimination of Child Labour*.

³²⁴¹ The project began in 1999 and is currently in its second phase. See ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa (Phase II)*, RAF/01/P53/USA, Geneva, March 2001.

³²⁴² ILO-IPEC, *Statistical Programme for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Nigeria*, technical progress report, Geneva, March 17, 2003.

³²⁴³ ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme to Combat Hazardous and Exploitative Child Labour (WACAP)*, project document, RAF/02/P50/USA, Geneva, September 2002, 1.

³²⁴⁴ Federal Ministry of Women Affairs and Youth Development, *National Report on Follow-up to the World Summit for Children*, Abuja, December 2000; available from http://www.unicef.org/specialsession/how_country/edu_nigeria_en.pdf [hard copy on file], 17.

³²⁴⁵ UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited July 2, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html. See also Economic Community of West African States, *ECOWAS Initial Plan of Action against Trafficking in Persons (2002 - 2003)*, ECOWAS, Dakar, December 2001; available from http://www.unodc.org/pdf/crime/trafficking/Minimum_Plano_CEDEAO.pdf.

³²⁴⁶ ILO-IPEC, *West Africa Cocoa/Commercial Agriculture Programme*, project document, 8 and 12. See also USAID, *Trafficking in Persons: USAID's Response*, September 2001, 4.

³²⁴⁷ 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. See International Institute of Tropical Agriculture, *Summary of Findings from the Child Labor Surveys in the Cocoa Sector of West Africa*, 2002.

³²⁴⁸ The project is supported with funds from Canada, France and Norway. See UN Office on Drugs and Crime, *Pilot Projects*.

³²⁴⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Nigeria*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#nigeria>.

³²⁵⁰ Integrated Regional Information Networks, "Nigeria: Anti-trafficking campaign targets Edo, Lagos", IRINnews.org, [online], September 20, 2002 [cited June 12, 2003]; available from http://www.irinnews.org/report.asp?ReportID=30007&SelectRegion=West_Africa&SelectCountry=NIGERIA.

In July 2003, UNICEF announced its intention to cooperate with the government to ensure equal access to education for girls.³²⁵¹ UNICEF also works to improve enrollment and retention in primary school by focusing on improved teaching and learning practices.³²⁵² In September 2002, the Government of Nigeria was approved to receive USD 101 million in funding from the World Bank to support the Universal Basic Education Project, which will improve the quality of schools, work to increase access to education, and strengthen the management and planning of the education system.³²⁵³ The World Bank continues to support the Second Primary Education Project, approved in May 2000, to improve the quality of primary education and provide teacher training, improved educational environment by setting up focus schools, improve quality and availability of curriculum materials, and develop an information base for decision making.³²⁵⁴ USAID supports teacher training, community participation and policy planning on schooling in three states (Lagos, Kano, and Nasarawa), as well as youth skills development for unemployed youth in Delta, Lagos, and Kano. USAID has also supported the government's Education Baseline survey, which was completed in 2002.³²⁵⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 23.5 percent of children ages 10 to 14 years in Nigeria were working.³²⁵⁶ Most children work in agriculture, usually on family farms, in fishing, and as cattle herders.³²⁵⁷ Children also work on commercial farms.³²⁵⁸ Within the non-agricultural informal sector, children work in domestic service and in public markets and streets as hawkers, vendors, stall minders, beggars, car washers, scavengers, shoe shine boys, bus conductors, and head-loaders.³²⁵⁹ Children work in cottage industries as mechanics, metal workers, carpenters, tailors, weavers, barbers, and hairdressers.³²⁶⁰ Child begging is especially widespread in northern Nigeria.³²⁶¹

³²⁵¹ Ahiane Andrew, *Nigeria, UNICEF Launch Girls' Education Program*, [online] 2003 [cited July 24, 2003]; available from www.thisdayonline.com [hard copy on file].

³²⁵² UNICEF, *UNICEF: At a glance: Nigeria - the big picture*, [online] July 24, 2003 [cited July 24, 2003]; available from <http://www.unicef.org/infobycountry/nigeria.html>.

³²⁵³ Up to 16 states have been invited to participate as pilots in the project. See World Bank, *Universal Basic Education Project*, [online] June 4, 2003 [cited November 21, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P071494>.

³²⁵⁴ The Bank is providing USD 55 million to the endeavor, which is scheduled to close in December 2004. See World Bank, *Nigeria: Primary Education II*, [online] June 4, 2003 [cited June 6, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P066571>.

³²⁵⁵ USAID, *FY2002 Annual Report Performance Narrative*, Washington, DC, July 1, 2002; available from http://www.dec.org/pdf_docs/PDA.PDF [hard copy on file].

³²⁵⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Nigeria*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18220.htm>. 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.

³²⁵⁷ Hodges, *Children's and Women's Rights in Nigeria*, 204.

³²⁵⁸ Ibid.

³²⁵⁹ U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 6d. See also Hodges, *Children's and Women's Rights in Nigeria*, 204. Some children from poorer families are accepted into families as domestic helpers, where they may be exploited. See ECPAT International, *Nigeria*, in ECPAT International, [database online] 2002 [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³²⁶⁰ Hodges, *Children's and Women's Rights in Nigeria*, 205.

³²⁶¹ As poverty increases in Nigeria, the *almajiranci* system of semi-formal Koranic education has come to rely on child pupils engaging in begging to support their *mallam*, or Islamic teacher. UNICEF Nigeria reports that the Nigerian government has done little to address the problem of child begging. See Ibid., 209.

Commercial sexual exploitation of children is common in many cities in Nigeria.³²⁶² Nigeria is a source, transit, and destination country for trafficking in children.³²⁶³ Children from Benin and other African countries are trafficked to Nigeria, where some are forced to work as domestic workers, prostitutes³²⁶⁴ or in other forced labor conditions.³²⁶⁵ Children are trafficked from Nigeria for domestic labor to West and Central Africa, and are trafficked internally.³²⁶⁶ Girls are sometimes sold into marriage.³²⁶⁷

Education in Nigeria is compulsory for 9 years.³²⁶⁸ In 1996, the gross primary enrollment rate was 81.9 percent.³²⁶⁹ In 1999, the net primary attendance rate was 55 percent.³²⁷⁰ Girls are particularly affected by lack of access to education, and families often direct their girls into work, such as domestic activities or street vending, if unable to send them to school.³²⁷¹

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.³²⁷² The law prohibits children under 12 years from lifting or carrying any load likely to inhibit physical development, and establishes a minimum age of 15 years for industrial work and maritime employment.³²⁷³ The law prohibits children under 16 years from working underground, on machines, at night, more than 4 consecutive hours, or more than 8 hours a day.³²⁷⁴ The law also prohibits children under 18 years from any employment that is dangerous or immoral.³²⁷⁵ The law does not apply to domestic service.³²⁷⁶ In July 2003, a comprehensive anti-trafficking law, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, was passed, which established a national agency to enforce the Act and coordinate counter-trafficking work. Section 11 of the Act stipulates life prison terms for any persons who traffic children into or out of Nigeria. The Act also provides for prison terms for any persons who procure, either for themselves or others, any children under the age of 18, or for any persons who commit children in their care under age 18 to prostitution or

³²⁶² Ibid., 209–10. The average age of commercial sex workers is reportedly 16 years. See ECPAT International, *Nigeria*.

³²⁶³ U.S. Department of State, *Trafficking in Persons Report: Nigeria*. 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.

³²⁶⁴ ILO-IPEC, *Combating the trafficking of children in West & Central Africa (Phase I)*, 1.

³²⁶⁵ U.S. Department of State, *Trafficking in Persons Report: Nigeria*.

³²⁶⁶ Ibid. There have been allegations of women and children trafficked to Europe. See U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 6f.

³²⁶⁷ See also U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 5.

³²⁶⁸ UNESCO, *Education for All 2000 Assessment: Country Reports-Nigeria*, prepared by Federal Ministry of Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from http://www2.unesco.org/wef/countryreports/nigeria/rapport_3.html.

³²⁶⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³²⁷⁰ Hodges, *Children's and Women's Rights in Nigeria*, 146.

³²⁷¹ U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 5.

³²⁷² *Nigeria Labour Act*, Articles 49 and 59 available from <http://natlex.ilo.org/scripts/natlexcgi.exe>.

³²⁷³ Ibid., Articles 59 and 61.

³²⁷⁴ Ibid., Articles 59 and 60.

³²⁷⁵ Ibid., Article 59.

³²⁷⁶ Ibid., Articles 59 and 65.

indecent assault.³²⁷⁷ Eleven states afflicted by trafficking have now dedicated anti-trafficking police units. Authorities document numerous government attempts to apprehend and prosecute traffickers.

The Ministry of Employment, Labor and Productivity is responsible for enforcing legal provisions regarding work conditions 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.³²⁷⁸ Enforcement provisions have not deterred violations. As of November 2002, no recent child labor inspections had resulted in fines, penalties, or convictions.³²⁷⁹ Investigations of child trafficking are hampered by corruption among government officials.³²⁸⁰

The Government of Nigeria ratified ILO Convention 138 and ILO Convention 182 on October 2, 2002.³²⁸¹

³²⁷⁷ The Act also prohibits forced labor, trafficking in slaves, pornography, drug trafficking, or forced or compulsory recruitment into armed conflict. The Act applies to all residents of Nigeria, and to Nigerians who are convicted outside of Nigeria for trafficking-related offenses. It also provides for the rights of victims of trafficking, including the right to access health and social services while a temporary resident, protection of identity, and the right to press charges against the trafficker. See *Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003*, (July 2003), Sections 11–19, 21, 25–26, 36–38. See U.S. Department of State, *Trafficking in Persons Report: Nigeria*.

³²⁷⁸ U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 6d. 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 also U.S. Embassy- Abuja, *unclassified telegram no. 2976*, November 2002.

³²⁷⁹ U.S. Embassy- Abuja, *unclassified telegram no. 2976*.

³²⁸⁰ U.S. Department of State, *Country Reports- 2002: Nigeria*, Section 6f.

³²⁸¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.³²⁸² Through its Basic Education Initiative, the Ministry of Education is also working to increase net enrollment among children and improve the education curriculum through support for the development and implementation of an educational management database for policy planning; curriculum reform in math, science, and life skills for grades 1 through 10; training to support the national education reform process; and monitoring learning achievements of students in grades 7 through 10.³²⁸³ As of the 2003–2004 academic year, 288 of the 1,020 public schools in Oman are implementing the Basic Education program, with 40 schools added each year. Of the 288, 152 have completed Phase I (grades 1–4), 107 have completed Phase II (grades 5–10), and 29 have completed both phases.³²⁸⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that less than one percent of children ages 10 to 14 years in Oman were working.³²⁸⁵ The Sultanate of Oman prohibits children under the age of 15 from working and child labor is not known to exist in any formal industry.³²⁸⁶

Education is free but not compulsory for all children ages 6 to 18.³²⁸⁷ A new educational system introduced in the Muscat Governorate makes education compulsory through Grade 10. Due to budgetary constraints, however, this system will gradually be adopted nationwide over the next 10 to 15 years.³²⁸⁸ In order to achieve the goal of education for all, the government provides free transportation to and from school.³²⁸⁹ In 2000, the gross primary enrollment rate was 72.3 percent (70.8 percent for girls and 73.7 percent for boys). The net enrollment rate for that year was 64.7 percent (64.5 percent for girls and 64.8 percent for boys).³²⁹⁰ 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.³²⁹¹

Child Labor Laws and Enforcement

The Oman Labor Law of 2003 establishes the minimum age for employment at 15 years. A minor is defined as anyone aged 15 to 18.³²⁹² The employment of minors is permitted between the hours of 6 a.m. and 6 p.m., and

³²⁸² UNESCO, *Education for All 2000 Assessment: Country Reports- Oman*, prepared by Ministry of Education Planification and Education Information, pursuant to UN General Assembly Resolution 52/84, 1999; available from <http://www2.unesco.org/wef/countryreports/oman/contents.html>.

³²⁸³ UN, *Youth at the United Nations: Country Profiles on the Situation of Youth- Oman*, UN, [online] 2001 [cited June 24, 2003]; available from <http://esa.un.org/socdev/unyin/countrys.asp?countrycode=om>.

³²⁸⁴ U.S. Embassy- Muscat, electronic communication to USDOL official, March 1, 2004.

³²⁸⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³²⁸⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Oman*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18285.htm>.

³²⁸⁷ UNESCO, *EFA Country Report: Oman*.

³²⁸⁸ Electronic communication from Labor Officer to USDOL official, March 1, 2004.

³²⁸⁹ UNESCO, *EFA Country Report: Oman*.

³²⁹⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³²⁹¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³²⁹² *Royal Decree no. 35/2003: Oman Labour Law*, (May 3, 2003).

minors are prohibited from working overtime, during holidays, or on official days of rest.³²⁹³ In addition, child laborers cannot be compelled to stay at the workplace beyond their specified working hours, with a maximum of 6 hours per day mandated by the law. A company employing minors is required to post the following items for display in the workplace: a copy of the regulations pertaining to non-adult workers; a schedule of work hours, periods of rest, and weekly holidays; and a list of minors employed.³²⁹⁴ The Ministry of Manpower is responsible for enforcing child labor laws.³²⁹⁵ While restrictions on youth employment are generally followed, enforcement often does not extend to some small family enterprises, particularly in the agricultural and fisheries sectors.³²⁹⁶

Bonded child labor is prohibited by law and it is not recognized as a problem.³²⁹⁷ The penal code assigns a penalty of at least five years imprisonment for individuals found guilty of enticing a minor into an act of prostitution.³²⁹⁸ Trafficking in persons is not prohibited by law; however, there were no official reports of trafficking incidents in the country.³²⁹⁹

The Government of Oman has not ratified ILO Convention 138, but ratified ILO Convention 182 on June 11, 2001.³³⁰⁰

³²⁹³ Ibid.

³²⁹⁴ Ibid.

³²⁹⁵ Ibid.

³²⁹⁶ U.S. Department of State, *Country Reports- 2002: Oman*, Section 6d.

³²⁹⁷ Ibid. The labor law does not apply to domestic service. See The Protection Project, "Oman," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2002; available from http://www.protectionproject.org/human_rights/countryreport/oman.htm.

³²⁹⁸ Government of Oman, *Article 220 of the Penal Code: Child Prostitution*, Interpol: Legislation of Interpol member states on sexual offences against children, [cited May 6, 2003]; available from <http://www.interpol.int/public/Children/SexualAbuse/NationalLaws/csaOman.asp>.

³²⁹⁹ U.S. Department of State, *Country Reports- 2002: Oman*, Section 6f.

³³⁰⁰ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

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

The Government of Pakistan has been a member of ILO-IPEC since 1994.³³⁰¹ In 1990, Pakistan was a signatory to the Declaration of the South Asian Association for Regional Cooperation (SAARC), which urged member countries to eliminate all forms of child labor by the year 2010.³³⁰² As a member state of the SAARC, Pakistan also signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.³³⁰³

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.³³⁰⁴ In May 2000, the Federal Cabinet approved the National Policy and Action Plan to Combat Child Labor, which defines the policies, strategies, activities and responsibilities of different agencies as well as the time frame and funding resources for the elimination of child labor.³³⁰⁵ Pakistan Bait ul-Mal, a government welfare agency, operates 68 non-formal education centers throughout the country, targeting children aged 14 and younger who have been exposed to hazardous labor.³³⁰⁶

A number of ILO-IPEC Action Plans have further formalized activities to combat child labor. These action plans have coordinated the various efforts to eliminate child labor on the part of government organizations, NGOs, trade unions, employers' bodies, and other interested parties.³³⁰⁷ From August 1997 to the present, a USDOL-funded project has been underway to remove child workers from the soccer ball stitching industry in the Sialkot district and rehabilitate them.³³⁰⁸ Since the project began, the incidence of child labor in the soccer ball stitching industry in Sialkot has been significantly reduced, and the ILO-IPEC monitoring system established has been replicated in other industries that rely heavily on labor from child workers, including carpet-weaving and surgical instruments

³³⁰¹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] 2003 [cited August 6, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³³⁰² ILO, *The Effective Abolition of Child Labour: Review of Annual Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva, April 23, 2001; available from <http://www.ilo.org/public/english/standards/relm/gb/280/pdf/gb280/pdf/gb-3-2-abol.pdf>.

³³⁰³ 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, repatriation and rehabilitation of victims of trafficking. Each member state government has yet to ratify the convention. See *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*, (January 5, 2002); available from <http://www.saarc-sec.org/publication/conv-trafficking.pdf>.

³³⁰⁴ Child Labour Unit, *National Policy and Action Plan to Combat Child Labour*, Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, Islamabad, May 20, 2000, 9.

³³⁰⁵ 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. See *Ibid.*, 7,11.

³³⁰⁶ The centers assist in withdrawing children from hazardous work environments and providing them with informal and primary education, vocational training, medical care and stipends for income generation activities. Each center reportedly has approximately 120 children enrolled. See U.S. Embassy- Islamabad, electronic communication to USDOL official, March 16, 2004. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Pakistan*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18314.htm>. See also Child Labour Unit, *National Policy and Action Plan*, 45.

³³⁰⁷ ILO, *The Effective Abolition of Child Labour: Review of Annual Reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Geneva, August 14, 2002; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb283/pdf/pb-3-2-abol.pdf>. See also Child Labour Unit, *National Policy and Action Plan*, 44.

³³⁰⁸ Child Labour Unit, *National Policy and Action Plan*, 44. See also ILO, *ILO Partnership to Eliminate Child Labour in the Soccer Ball Industry in Pakistan*, [online] 1997 [cited August 6, 2003]; available from <http://www.ilo.org/english/actrav/telearn/global/ilo/guide/ilosoc.htm>.

manufacturing.³³⁰⁹ ILO-IPEC has also begun implementing a USDOL funded Time-Bound Program to assist the Government of Pakistan in its efforts to eliminate the worst forms of child labor. The program aims to remove and rehabilitate child workers in the most hazardous sectors over the next 5 to 10 years.³³¹⁰ As of August 2003, ILO-IPEC was supporting over 20 active projects in Pakistan. Among the ongoing ILO-IPEC projects, three of the largest projects continue to focus on the elimination of child labor in the carpet weaving and soccer ball stitching industries. Other projects target the prevention, withdrawal, and rehabilitation of child laborers as well as education and vocational training.³³¹¹

The Government of Pakistan signed a collaborative education agreement with USDOL on January 23, 2002.³³¹² As a result, USDOL awarded a USD 5 million grant for a project designed to withdraw children from the worst forms of child labor in the Punjab, and to provide formal and informal education and training for working children and their younger siblings.³³¹³ As part of the education policy objective of universal education, 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.³³¹⁴ To this end, the collaborative education project with the USDOL 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.³³¹⁵ Due to critical needs in its education system, the Government of Pakistan is receiving intensified support from the World Bank in order to expedite its eligibility for fast track financing for the Education for All program. The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children with a primary school education by the year 2015.³³¹⁶ The World Bank has provided assistance to several major projects 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.³³¹⁷ In addition, ADB has supported multiple education projects in the Southern Punjab and the Sindh Province to promote the attendance, access and quality of educational programs, including incentives to keep girls in school.³³¹⁸

³³⁰⁹ 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*, hard copy on file, ILO, Islamabad, February 2002, 6. See also ICFTU, *Child Labour in the Manufacture of Surgical Instruments in Sialkot, Pakistan*, ICFTU, [online] 1998 [cited August 6, 2003]; available from <http://www.icftu.org/displaydocument.asp?Index=990916094&Language=EN>. See also ILO-IPEC, *Pakistan - IPEC Monitoring Expertise for Carpet Industry*, [online] 2001 [cited August 6, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts04pr.htm>. While significant progress has been made in the sporting goods sector, the situation in the surgical instrument and carpet-weaving industries remains essentially unchanged. Large numbers of girls are still involved in the cottage carpet industry. In surgical instruments, large numbers of boys work in offsite filing and polishing centers for a network of subcontractors. See U.S. Embassy- Islamabad, *unclassified telegram no. 6012*, August 27, 2003, 2.

³³¹⁰ This sector-specific program will focus interventions in the following sectors and districts: coal mines (Chakwal, Noshera, and Shangla), leather tanneries (Kasur), glass bangles (Hyderabad), surgical instruments (Sialkot), rag pickers (Lahore, Karachi, Peshawar and Quetta), and deep sea fishing (coastal Balochistan). See U.S. Embassy- Islamabad, *unclassified telegram no. 6012*.

³³¹¹ ILO-IPEC Official, Electronic Communication from IPEC, Spreadsheet of Ongoing ILO-IPEC Projects USDOL, August 16, 2003.

³³¹² USDOL, *U.S. - Pakistan Collaborative Education Agreement Signed*, [online] 2002 [cited August 6, 2003]; available from <http://www.dol.gov/ilab.media/speeches/pakistan012302.htm>.

³³¹³ *Ibid.*

³³¹⁴ Child Labour Unit, *National Policy and Action Plan*, 18.

³³¹⁵ US Government, "USDOL Involvement in Combating Child Labor in Pakistan," *Federal Register* 67 no. 100 (May 23, 2002), 36245.

³³¹⁶ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

³³¹⁷ World Bank, *Northern Education Project*, [online] [cited August 6, 2003]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P037834>. See also Understanding Children's Work, *Project Database*, Inter-Agency Research Cooperation Project on Child Labour (ILO, UNICEF World Bank), [database online] [cited August 6, 2003]; available from http://www.ucw-project.org/cgi-bin/ucw/Project/Main.sql?come=country_res.sql&CountryID=161.

³³¹⁸ ADB, *Primary School Quality Improvement*, [online] 2001 [cited May 19, 2003]; available from <http://www.adb.org/Documents/Profiles/PPTA/30208012.ASP>. See also ADB, *Decentralized Elementary Education Project (Sindh)*, [online] 2002 [cited May 19, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/30208013.ASP>.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 14.9 percent of children ages 10 to 14 years in Pakistan were working.³³¹⁹ A recent ILO survey indicated that agriculture was the largest sector in which children work in Pakistan; followed by the informal sector, which included domestic work, street vending, illegal work, and family businesses; and hazardous work, such as in leather tanneries, surgical instruments manufacturing, coal mining, deep sea fishing, and brick kilns. The report also noted that when programs were developed to eliminate child labor in one industry, parents often shifted their children to work in other industries.³³²⁰ In addition, bonded child labor is still used in agriculture, the brick kiln industry, and in the production of carpets.³³²¹ The problem of children working in the informal sector remains sizeable, as there are no laws to monitor employment in illegal or illicit economic activities. Although precise numbers are difficult to ascertain, it is likely that, excluding agriculture, the majority of child workers are employed in the informal sector.³³²² More specifically, the exploitation of children in the sex and drug industries, are growing problems in Pakistan.³³²³ Afghan refugee children residing in urban Pakistan are among the most vulnerable to hazardous and exploitative labor conditions.³³²⁴

Pakistan is a source, transit, and destination country for child trafficking victims.³³²⁵ Children are often trafficked internally and into Pakistan, primarily from Bangladesh, India, and Nepal, for the purposes of sexual exploitation and bonded labor.³³²⁶ Young boys continue to be trafficked from Pakistan to the Persian Gulf region to work as

³³¹⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³³²⁰ U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6d. See also U.S. Embassy- Islamabad, *unclassified telegram no. 6012*, 2.

³³²¹ U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6c. Anti-Slavery International, *The Enslavement of Dalit and Indigenous Communities in India, Nepal and Pakistan through Debt Bondage*, London, 2001, 3; available from <http://www.antislavery.org/homepage/resources/goonesekere.pdf>. See also Anti-Slavery International, *Contemporary Forms of Slavery Related to and Generated by Discrimination: Forced and Bonded Labour in India, Nepal and Pakistan*, London, 2003; available from <http://www.antislavery.org/homepage/resources/goonesekere.pdf>. See also Ali Ercelawn and Muhammad Nauman, *Bonded Labour in Pakistan*, Pakistan Institute of Labor Education and Research, Karachi, 2000, 4-6; available from <http://www.ilo.org/public/english/standards/decl/publ/papers/piler.pdf>. Allegations of widespread child and bonded labor that were brought before the United States Trade Representative in the early and mid-1990s adversely affected Pakistan's trade privileges. 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] 1996 [cited August 6, 2003]; available from <http://www.ustr.gov/releases/1996/03/96-21.html>.

³³²² Integrated Regional Information Networks, "Pakistan: Focus on Child Labour", IRINnews.org, [online], April 25, 2002 [cited August 11, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=26998>.

³³²³ Women's Commission for Refugee Women and Children, *Fending for Themselves: Afghan Refugee Children and Adolescents Working in Urban Pakistan*, IRC, New York, January 2002, 13-15; available from http://www.womenscommission.org/pdf/af_chil.pdf. See also ECPAT International, *Pakistan*, in ECPAT International, [database online] [cited August 13, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³³²⁴ Women's Commission for Refugee Women and Children, *Afghan Refugee Children and Adolescents in Pakistan's Cities Receive Minimal International Assistance*, IRC, [online] 2002 [cited August 6, 2003], 1; available from http://www.womenscommission.org/archive/02/press_releases/0530.html. See also Women's Commission for Refugee Women and Children, *Fending for Themselves*. See also Women's Commission for Refugee Women and Children, *Situation in Afghanistan and Among Afghan Refugees in Pakistan*, New York, April 30 2002, 48; available from <http://www.reliefweb.int/library/documents/2002/wcrwc-asia-apr.pdf>.

³³²⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: Pakistan*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. See also Human Rights Commission of Pakistan, *State of Human Rights in 2002*, Government of Pakistan, Islamabad, 2002; available from <http://www.hrcp-web.org/h-r-intro.htm>.

³³²⁶ ILO, "Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime" (paper presented at the The UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation, Geneva, February 22-23, 2002), 11; available from <http://www.december18.net/paper44ILOUNICRI.pdf>. See also IOM, "New IOM Figures on the Global Scale of Trafficking," *Trafficking in Migrants - Quarterly Bulletin* 23 April (2001), 3; available from http://www.iom.int/documents/publication/en/tm_23.pdf. See also ECPAT International, *Pakistan*.

camel jockeys, despite recent efforts to dispel this practice.³³²⁷ Adolescent boys are vulnerable to forced recruitments from local madrasas (Islamic schools) by armed groups fighting in neighboring Afghanistan, Jammu, and Kashmir.³³²⁸ It is also reported that some armed groups within Pakistan have children in their ranks.³³²⁹

Education is not yet compulsory at the national level in Pakistan.³³³⁰ However, in 1998 the Ministry of Education set a goal for universal basic education as part of the National Education Policy.³³³¹ In 2001–2002, the gross primary enrollment rate was 72 percent (61 percent for girls and 83 percent for boys), and the net primary enrollment rate was 42 percent (38 percent for girls and 46 percent for boys).³³³² Primary school attendance rates are unavailable for Pakistan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³³³

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. This law also prohibits the employment of children in specified occupations and processes that are dangerous or hazardous to the health of child workers.³³³⁴ 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.³³³⁵ Violations of these provisions can result in a maximum 1-year prison term and/or a fine of 20,000 rupees (approximately USD 350) for the offender.³³³⁶

³³²⁷ U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6f. See also Dr. Mohamed Y. Mattar, “Trafficking in Persons, Especially Women and Children, in Countries of the Middle East,” *Fordham International Law Journal* vol. 26 is. 721 (March 2003), Section Id; available from <http://209.190.246.239/iomz.pdf>. See also Anti-Slavery International, *One Year on Children Still Trafficked to UAE as Camel Jockeys*, London, September 1, 2003; available from <http://www.antislavery.org/homepage/news/UAE%20010903.htm>.

³³²⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, London, November 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>. See also Human Rights Watch, *Child Soldiers and the West Asian Crisis*, [online] [cited August 11, 2003]; available from <http://www.hrw.org/campaigns/september11/children.htm>.

³³²⁹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, 72.

³³³⁰ World Education Services- Canada, *Pakistan*, [database online]; available from <http://www.wes.org/ca/wedb/pakistan/pkfacts.htm>. While not compulsory, the Constitution, which was fully restored following the 2002 election of President Pervez Musharraf, stipulates that the government “shall remove illiteracy and provide free and compulsory education within a minimum possible period.” See *The Constitution of the Islamic Republic of Pakistan*, Part II, Chapter 2, 37b; available from <http://www.pakistan.org/pakistan/constitution/part2.ch2.html>.

³³³¹ The policy states that by the year 2003, 90 percent of children in the primary age group shall be enrolled in school. However, enforcement of the compulsory primary education policy is not scheduled to go into effect until 2005 at the earliest. See Child Labour Unit, *National Policy and Action Plan*, 18.

³³³² These figures refer to enrollment in grades one to five. See Federal Bureau of Statistics, *Pakistan Integrated Household Survey*, Government of Pakistan, Islamabad, July 2002, xi; available from <http://www.statpak.gov.pk/depts/index.html>.

³³³³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³³⁴ *Employment of Children Act*, (June 4, 1991), Parts II and III; available from <http://natlex.ilo.org/txt/E91PAK01.htm>. The list of hazardous occupations includes work on trains, in the construction of railways, explosives, carpet weaving and manufacturing where toxic chemicals are used.

³³³⁵ *Employment of Children Rules*, (1995); available from <http://natlex.ilo.org/txt/E95PAK01.htm>. This law was written in exercise of the authority conferred by sections 13 and 18 of the Employment of Children Act, 1991.

³³³⁶ *Employment of Children Act*, Section 14. For currency conversion see FXConverter, [database online] [cited August 6, 2003]; available from <http://www.oanda.com/convert/classic>.

Forced labor is prohibited by the Constitution and the Bonded Labor System (Abolition) Act of 1992, which was meant to abolish the bonded labor system, emancipate bonded laborers, and cancel remaining debts.³³³⁷ Those found in violation of these provisions can face 2 to 5 years imprisonment and fines of 50,000 rupees (approximately USD 901).³³³⁸ Trafficking in persons is prohibited by law.³³³⁹ In August 2002, the Government of Pakistan passed the Prevention and Control of Human Trafficking and Smuggling Ordinance, which prohibits trafficking and assigns strict penalties for individuals or groups found guilty of engaging in or profiting from such activities.³³⁴⁰

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.³³⁴¹

The Government of Pakistan has not ratified ILO Convention 138, but ratified ILO Convention 182 on October 11, 2001.³³⁴²

³³³⁷ *Bonded Labour System (Abolition) Act*, (1992); available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6f.

³³³⁸ *Bonded Labour System (Abolition) Act*. For currency conversion, see FXConverter, *FX Converter*.

³³³⁹ U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6f.

³³⁴⁰ The law specifically makes the smuggling of children for the purposes of unlawful entertainment and sexual abuse a criminal offence. See Staff Reporter, "Law to Check Trafficking in Human Beings Approved," *Dawn* (Karachi), August 29, 2002; available from <http://www.dawn.com/2002/08/29/nat1.htm>.

³³⁴¹ U.S. Department of State, *Country Reports- 2002: Pakistan*, Section 6d. See also U.S. Embassy- Islamabad, *unclassified telegram no. 6012*, 1.

³³⁴² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 6, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Panama has been a member of ILO-IPEC since 1996.³³⁴³ With funding from USDOL, the Department of Statistics and Census of the General Audit Office of Panama conducted a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.³³⁴⁴ ILO-IPEC, with USDOL funding, supported a baseline survey on child labor in the coffee sector in Panama that was completed in 2002.³³⁴⁵ 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,³³⁴⁶ as well as a regional project aimed at combating commercial sexual exploitation.³³⁴⁷ A Canadian-funded ILO-IPEC project gathered information on child domestic labor in Panama.³³⁴⁸ 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.³³⁴⁹

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.³³⁵⁰ The Ministry of Youth, Women, Children, and Family has created training and assistance centers for children living in urban areas such as Panama City and Colón, and for those living in rural areas including Chiriquí, Veraguas, and Coclé. The centers provide health care, education opportunities, and vocational and social skills training to children and their families in an effort to prevent child labor.³³⁵¹ Members of the Ministry of Labor's Child Labor Unit, NGOs, and other government agencies have participated in courses and workshops aimed at raising awareness on domestic labor, commercial sexual exploitation, data measurement on child labor, the development of a plan of action to prevent child work on Panama City streets, and forced child labor.³³⁵² In July 2003, the Panamanian Declaration Against the Commercial Sexual Exploitation and Non-Commercial Exploitation of Children and Adolescents was signed by government agencies, NGOs, international organizations, and other public and private institutions.³³⁵³

³³⁴³ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, Geneva, September 2002, 5. See also ILO-IPEC, *All About IPEC: Programme Countries*, August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³³⁴⁴ ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor*, project document for Central America, Geneva, 1999, 5, 10. See also ILO-IPEC, *Informe Nacional de los Resultados de la Encuesta del Trabajo Infantil*, May, 2003.

³³⁴⁵ ILO-IPEC, *Informe Final sobre el Estudio Diagnóstico de la Dimensión, Naturaleza, y Entorno Socioeconómico del Trabajo Infantil y de la Adolescencia Trabajadora en el sector del café en la Provincia de Chiriquí*, September 2002. See also Maruquel Icaza, letter to USDOL official, September 23, 2002.

³³⁴⁶ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 1. See also Icaza, letter, September 23, 2002.

³³⁴⁷ In Panama, this project will focus primarily on regional collaboration, awareness raising, institutional capacity building, and coordination. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, Geneva, April 2002, 5, 27-28. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, June 2002, 11.

³³⁴⁸ ILO-IPEC, *Trabajo infantil doméstico en Panamá*, September 2002.

³³⁴⁹ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7-8. See also Icaza, letter, September 23, 2002.

³³⁵⁰ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 5, 10.

³³⁵¹ Ministry of Youth, Women, Children, and Family, *Programas y proyectos contra el trabajo infantil*, Panama, 2000, 10-19.

³³⁵² U.S. Embassy- Panama, *unclassified telegram no. 3615*, November 2001. See also U.S. Embassy- Panama City, *unclassified telegram no. 2286*, September 2003.

³³⁵³ *Declaración de Panama Contra la Explotación Sexual Comercial y No Comercial de la Niñez y la Adolescencia*, (July 23-24).

Through its Education for All efforts and its 10-year strategy for education (1997–2006), the government seeks to provide greater opportunity, access and services to groups such as marginalized rural and urban populations, indigenous populations and the disabled.³³⁵⁴ In 2000, the World Bank approved a loan of USD 35 million to help the government improve the quality and efficiency 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; provide textbooks and instructional materials and poverty-based scholarships at public schools, including scholarships targeted toward indigenous children; enhance teacher training in rural and marginal urban communities; expand early childhood and pre-school education programs; and strengthen the Ministry of Education's capacity and decentralization efforts.³³⁵⁵ 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.³³⁵⁶ The Ministry of Youth, Women, Children, and Family began a small program of roving classrooms in an effort to educate rural children during the harvest.³³⁵⁷

Incidence and Nature of Child Labor

In 2000, the National Child Labor Survey results estimated that 57,524 children ages 5 to 17 years in Panama were working (7.6 percent of this age group).³³⁵⁸ Children are found working in rural areas during the harvesting periods for sugar cane, coffee, bananas, melons, and tomatoes.³³⁵⁹ 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.³³⁶⁰ Children from indigenous communities in Panama also accompany their parents to work in Costa Rica during the coffee harvest.³³⁶¹ Children in Panama also work as domestic servants.³³⁶² Child labor exists in urban areas,³³⁶³ especially in the informal sector.³³⁶⁴ 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.³³⁶⁵ Urban supermarkets reportedly allow children as young as 9

³³⁵⁴ 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 June 26, 2003]; available from http://www2.unesco.org/wef/countryreports/panama/rapport_1.html. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 7.

³³⁵⁵ World Bank, *Basic Education Project (02)*, June 20, 2003 [cited June 26, 2003.]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P052021>. See also "World Bank Supports Better Education for Panama's Rural and Indigenous Children," *M2 Presswire*, September 11, 2000.

³³⁵⁶ Ministry of Education, *Ministry of Education's Programs for the President's Report*, Panama, 2.

³³⁵⁷ U.S. Embassy- Panama City, *unclassified telegram no. 2286*.

³³⁵⁸ ILO-IPEC, *Informe Nacional del Trabajo Infantil*, 9. See also World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the ILO, in 2000, 2.5 percent (7,000) of children between 10–14 were economically active. See ILO, *Yearbook of Labour Statistics 2001*, [online] [cited June 24, 2003]; available from <http://laborsta.ilo.org/cgi-bin/brokerv8.exe>.

³³⁵⁹ U. S. Department of State, *Country Reports on Human Rights Practices-2002: Panama*, Washington, D.C., 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18340.htm>. See also U.S. Embassy- Panama, *unclassified telegram no. 3473*, October 2002. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 5.

³³⁶⁰ ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 2–3, 5. See also U.S. Embassy- Panama, *unclassified telegram no. 1934*, May 2000. See also U.S. Embassy- Panama, *unclassified telegram no. 4656*, December 2000.

³³⁶¹ ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 37–43. See also "Indígenas sostienen cosechas de café," *La Nación* (San José, Costa Rica), January 20, 2002.

³³⁶² Commission on Women's Issues, the Rights of Children, Youth, and Family, *Condición del trabajo infantil y juvenil en las cañaverales de las provincias Coclé y Veraguas*, Panama, 2000, 16.

³³⁶³ U. S. Department of Labor, official trip report, July 2002. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁴ These children all work informally and without legal protection. See ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama*, project document, 3. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁵ U.S. Embassy- Panama, *unclassified telegram no. 1934*.

years old to bag groceries in return for tips. Although not formally employed by a firm, these children conform to schedules, wear uniforms, comply with codes of conduct, and take orders from supermarket employees.³³⁶⁶ The commercial sexual exploitation of children has been reported, and child trafficking within Panama is a problem.³³⁶⁷

In Panama, education is free and compulsory through the equivalent of ninth grade.³³⁶⁸ In 2000, the gross primary enrollment rate was 111.6 percent, and the net primary enrollment rate was 100.2 percent.³³⁶⁹ Attendance rates are not available for Panama. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³³⁷⁰ In 1999, 92 percent of children enrolled in primary school persisted to grade 5.³³⁷¹

The proportion of primary school dropouts is higher in rural and indigenous areas combined, than in urban areas.³³⁷² Many rural areas do not have access to secondary education and the government does not cover transportation costs.³³⁷³ 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.³³⁷⁴ School attendance is a particular problem in the Darien province and in indigenous communities.³³⁷⁵ About one-third of children from the indigenous communities miss the first 3 months of the academic year to work in the coffee harvest.³³⁷⁶ 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.³³⁷⁷

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.³³⁷⁸ According to the

³³⁶⁶ U.S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁶⁷ ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, 101. See also ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation, project document*, 12. See also U.S. Embassy- Panama, electronic communication to USDOL official, February 25, 2004. See also U.S. Department of State, *Country Reports- 2002: Panama*, Section 6f.

³³⁶⁸ U.S. Department of State, *Country Reports- 2002: Panama*, Section 5. See also ILO-IPEC, *Country Program for Combating the Worst Forms of Child Labor in Panama, project document*, 4.

³³⁶⁹ The available net enrollment statistic is higher than 100 percent, although this is not theoretically possible. The World Bank attributes this abnormality to discrepancies between estimates of the school-age population and repeated enrollment data. See World Bank, *World Development Indicators 2003*. See also USAID, *Global Education Online Database*, Washington, D.C., 2003; available from <http://quesdb.cdie.org/ged/index.html>. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³³⁷⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³³⁷¹ World Bank, *World Development Indicators 2003*.

³³⁷² Ministry of Education, *Estadísticas Educativas 2000*, National Bureau of Education Planning Department of Statistics, 2000, 40-41.

³³⁷³ U.S. Embassy- Panama, *unclassified telegram no. 3473*.

³³⁷⁴ U.S. Department of State, *Country Reports- 2002: Panama*, Sections 5 and 6d. See also Commission on Women's Issues, Children, Youth, and Family, *Condición del trabajo*, 27. See also ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 26-27.

³³⁷⁵ U.S. Department of State, *Country Reports- 2002: Panama*, Section 5. See also ILO-IPEC, *Diagnóstico del Trabajo Infantil Trabajadora en el sector del café en la Provincia de Chiriquí*, 55.

³³⁷⁶ U.S. Embassy- Panama City, *Communication from American Embassy in Panama - unclassified excerpt from telegram no. 2080*, July 2003.

³³⁷⁷ Ministry of Youth, Women, Children, and Family, *Programas y proyectos*, 8.

³³⁷⁸ Government of Panama, *Código de Trabajo*. See also *Constitution of Panama*, (1994), Article 66 [cited June 26, 2003]; available from <http://www.georgetown.edu/pdba/Constitutions/Panama/panama1994.html>. See also Government of Panama, *Código de la familia*, (1995), Artículo 508.

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.³³⁷⁹ Further, Article 119 of the Labor Code permits minors aged 12 to 15 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.³³⁸⁰ 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.³³⁸¹ 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.³³⁸² 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.³³⁸³ Children under the age of 18 may not work between the hours of 6 p.m. and 8 a.m.³³⁸⁴

The Labor Code also prohibits forced labor by children.³³⁸⁵ Article 501 of the Family Code³³⁸⁶ and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.³³⁸⁷ Trafficking in children is prohibited under the Penal Code.³³⁸⁸ The Penal Code calls for prison sentences of two to six years for the promotion or facilitation of entry or exit of a person to or from Panama for the purpose of prostitution.³³⁸⁹

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.³³⁹⁰ The Ministry of Labor has 12 staff members, including seven newly hired child labor inspectors.³³⁹¹ 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.³³⁹² 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.³³⁹³ Although Panama has developed a strong legal framework to combat the worst forms of child labor and

³³⁷⁹ 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.

³³⁸⁰ *Código de Trabajo*, Articles 119 and 23.

³³⁸¹ *Código de Trabajo*, Article 118.

³³⁸² *Ibid.*

³³⁸³ *Ibid.*, Article 122.

³³⁸⁴ *Ibid.*, Article 120.

³³⁸⁵ U. S. Department of State, *Country Reports- 2002: Panama*, Section 6c.

³³⁸⁶ *Código de la familia*, Article 501.

³³⁸⁷ U.S. Embassy- Panama, *unclassified telegram no. 3133*, August 2000. See also ILO-IPEC, *La explotación sexual comercial de niños, niñas, y adolescentes en Panamá*, 77-78.

³³⁸⁸ U. S. Department of State, *Country Reports- 2002: Panama*, Section 6f.

³³⁸⁹ *Ibid.*

³³⁹⁰ *Ibid.*, Section 5.

³³⁹¹ U.S. Embassy- Panama City, *unclassified telegram no. 2286*.

³³⁹² U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁹³ U.S. Embassy- Panama City, *unclassified telegram no. 3286*, October 2001.

has conducted several child labor inspections in the coffee, sugar, melon, and tomato sectors,³³⁹⁴ child labor violations continue to occur, especially on commercial coffee and sugar farms and in the informal sector.³³⁹⁵

The Government of Panama ratified ILO Convention 138 and ILO Convention 182 on October 31, 2000.³³⁹⁶

³³⁹⁴ Ibid. See also U.S. Embassy- Panama, *unclassified telegram no. 3615*. See also Icaza, letter, September 23, 2002.

³³⁹⁵ U.S. Embassy- Panama City, *unclassified telegram no. 3286*. See also U. S. Department of State, *Country Reports- 2002: Panama*, Section 6d.

³³⁹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Papua New Guinea has established a “National Child Protection Service” to raise awareness about commercial sexual exploitation of children.³³⁹⁷ The government’s National Education Plan (NEP) 1995 to 2002³³⁹⁸ promoted reforms of the country’s educational system, including universal access to 3 years of elementary education, completion of 6 years of primary school, and an increase in the number of students who continue into secondary school.³³⁹⁹ The plan also aimed to improve equity in enrollments between boys and girls and urban and rural inhabitants, as well as improve the quality of education.³⁴⁰⁰ Information on the results of the plan, however, are not available at this time. In 2002, UNICEF pledged to support efforts to increase the enrollment of girls in the country.³⁴⁰¹

AusAID has provided support for Papua New Guinea’s education reform efforts through various projects since 1996, and is currently supporting basic education projects that aim to improve teacher training, develop and distribute new curriculum, provide educational materials, and provide youth with vocational training.³⁴⁰²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 16.8 percent of children ages 10 to 14 years in Papua New Guinea were working.³⁴⁰³ Children work in family subsistence agriculture and family businesses.³⁴⁰⁴ Although it is not reported to

³³⁹⁷ ECPAT International, *Papua New Guinea*, ECPAT, [database online] 2003 [cited July 10, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. In 1998, the service co-sponsored a conference on the sexual exploitation of children, including through sex tourism. See ECPAT International, “Papua New Guinea,” in *1997-1998 Moving to Action*, no date; available from http://www.ecpat.net/eng/Ecpat_inter/Publication/Other/English/Html_page/2nd_a4a/countries/PapuaNG.htm. See also Fiji Women’s Crisis Center, “PNG meeting looks at child sexual abuse,” *Pacific Women’s Network Against Violence Against Women*, July 1998; available from http://www.fijiwomen.com/newsletters/regional/archives/regional_42/png_meeting.htm.

³³⁹⁸ Asia-Pacific Economic Cooperation (APEC), *Ecotech Action Plan: Papua New Guinea*, 2001; available from <http://www.apec-ecotech.org/>.

³³⁹⁹ The National Education Plan was developed in 1995 and 1996. The plan covers all sectors of the formal education system and introduced 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. See Voluntary Service Organization, *Education in Papua New Guinea*, [cited August 14, 2002], 11-13; available from <http://www.vso.org.uk/png/education.pdf>. See also ADB, *Country Operational Strategy Study: Papua New Guinea*, March 1999, 5; available from <http://www.adb.org/Documents/COSSs/png.pdf>. The plan was updated in 1999. See UNESCO, *World Data on Education 2001- Papua New Guinea*, 2001.

³⁴⁰⁰ UNESCO, *World Data on Education 2001*.

³⁴⁰¹ ReliefWeb, *UNICEF to Pick Up Pace on Girls’ Education*, [online] December 3, 2002 [cited July 10, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/df71b272856cdd685256c84007773a3?OpenDocument>.

³⁴⁰² Australian Agency for International Development, *Papua New Guinea, Program Profiles 2001-2002*, 2002, 20-24; available from http://www.ausaid.gov.au/publications/pdf/png/png_program_profiles_2001_02.pdf.

³⁴⁰³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁴⁰⁴ U. S. Department of State, *Country Reports on Human Rights Practices-2002: Papua New Guinea*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18259pf.htm>. There have been reports that children work in the commercial agriculture sector, including on tea and coffee farms. See Pacific Islands Report, *Child Labor Claimed at PNG Highlands Tea and Coffee Plantations*, Post-Courier/PINA Nius Online, [online] 2000 [cited July 9, 2003]; available from <http://166.122.164.43/archive/2000/March/03-23-14.htm>.

be widespread, children are said to be involved in commercial sexual exploitation.³⁴⁰⁵ Children fought with both government and opposition forces during the secessionist war during the 1990s.³⁴⁰⁶

Education is not compulsory or free in Papua New Guinea.³⁴⁰⁷ In 1999, both the gross primary enrollment rate and the net primary enrollment rate were 83.8 percent.³⁴⁰⁸ 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.³⁴⁰⁹ According to the most recent data, only 59 percent of children complete primary school, and many drop out after the first grade.³⁴¹⁰ Lack of access to schools reportedly leads to low enrollment levels in rural areas.³⁴¹¹

Child Labor Laws and Enforcement

The Employment Act establishes the minimum age for employment at 18 years, but children ages 11 to 18 may work in family businesses with parental permission, medical clearance, and a work permit from the labor office.³⁴¹² The Constitution prohibits forced labor.³⁴¹³ The Criminal Code prohibits procuring, luring, or abducting women or girls for sexual relations or for confinement in a brothel.³⁴¹⁴

The Government of Papua New Guinea ratified ILO Convention 138 and ILO Convention 182 on June 2, 2000.³⁴¹⁵

³⁴⁰⁵ ECPAT International, *Papua New Guinea*. The commercial sex sector, while still relatively undeveloped, is expanding, particularly in urban areas. See John C. Caldwell and Geetha Isaac-Toua, *AIDS in Papua New Guinea: Situation in the Pacific* (Canberra: National Centre for Epidemiology and Population Health of Australian National University, 2002), 104-11. There is very limited information on trafficking in Papua New Guinea. While it does not appear to be a problem (i.e. there was no evidence of trafficking during 2002), there is a concern that the country may be used as a route for trafficking to Australia. See also U. S. Department of State, *Country Reports 2002: Papua New Guinea*, Section 6f. Some sources suggest that lack of economic opportunities in Papua New Guinea leads youth to consider prostitution as a viable source of income. See ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, March 2003, 25; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=22.

³⁴⁰⁶ 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. See Coalition to Stop the Use of Child Soldiers, "Papua New Guinea," in *Global Report 2001*, [cited September 30, 2003]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>. For information on children participating in the Papua New Guinea armed forces, see UNICEF, *Adult Wars, Child Soldiers: Voices of Children involved in armed conflict in the East Asia and Pacific Region*, 2001, 24; available from <http://www.reliefweb.int/library/documents/2002/unicef-childsoldiersasia.pdf>.

³⁴⁰⁷ Voluntary Service Organization, *Education in Papua New Guinea*, 3. See also U. S. Department of State, *Country Reports 2002: Papua New Guinea*, Section 5.

³⁴⁰⁸ World Bank, *World Development Indicators 2003*.

³⁴⁰⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁴¹⁰ ADB, *Country Operational Strategy Study*, 5. See also Department of Education Reform Coordinator John Josephs, *EFA 2000 Assessment: Papua New Guinea*, UNESCO, Waigani, Papua New Guinea, 2000, Part II; available from http://www2.unesco.org/wef/countryreports/papua_new_guinea/rapport_2.html.

³⁴¹¹ ADB, *Millennium Development Goals in the Pacific*, 25.

³⁴¹² Information on the enforcement of child labor legislation is not available. See U. S. Department of State, *Country Reports 2002: Papua New Guinea*, Section 6d.

³⁴¹³ *Constitution of the Independent State of New Guinea*; available from http://www.vanuatu.usp.ac.fj/Paclawmat/PNG_legislation/Constitution.htm.

³⁴¹⁴ The section on abduction specifies that this applies to girls under the age of 18. See *Papua New Guinea Criminal Code*, as cited in The Protection Project Legal Library, [database online], Chapter 262, Sections 18-21; available from <http://209.190.246.239/protectionproject/statutesPDF/PapuaNewGuineaFpdf>.

³⁴¹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 10, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 1999.³⁴¹⁶ In 2001, ILO-IPEC began implementing two USDOL-funded projects to address the domestic work of children and adolescents in Asunción and the sexual exploitation of children and adolescents on the country's border with Argentina and Brazil.³⁴¹⁷ In July 2003, the Government of Paraguay published a National Plan of Action for Childhood and Adolescence (2003 – 2008), which includes activities to integrate national sectoral plans, such as those that address sexual exploitation and child labor, into national policy.³⁴¹⁸ In addition, the Government of Paraguay and the other MERCOSUR³⁴¹⁹ member governments, the Government of Chile, and ILO-IPEC have developed a 2002 – 2004 regional plan to combat child labor in the region.³⁴²⁰

In July 2000, the Ministry of Education and Culture initiated a five-year program to strengthen basic education reform.³⁴²¹ The Ministry also implements an innovative, community-based bilingual education program in the first and second cycles of rural and urban schools. The program also aims to improve school management and pedagogical training.³⁴²² The Ministry of Public Health's Social Welfare Office has developed on-going programs that offer financial help to vulnerable groups including street children.³⁴²³ The government also provided funds to all regional departments in 1999 and 2000 to establish school feeding programs.³⁴²⁴ The Ministries of Education and Culture and Public Health, along with the Institute of Well-Being and the Social Action Secretariat of the President's Office, support projects that provide at-risk children with social services.³⁴²⁵ In July 2003, the IDB

³⁴¹⁶ Government of Paraguay, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, Ministry of Justice and Labor, Viceministry of Labor and Social Security, National Employment Service Bureau, International Affairs, Asunción, October 24, 2001, 2-3.

³⁴¹⁷ 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. The Government of Argentina is also participating in this project with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation 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.

³⁴¹⁸ Secretaria Nacional de la Niñez y la Adolescencia de la Presidencia de la Republica del Paraguay, *Construir Otro Paraguay para Los Niños, Niñas y Adolescentes: Plan Nacional de Acción por la Niñez y la Adolescencia*, Asunción, July, 2003, cover, 29, 35-38.

³⁴¹⁹ 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 September 1, 2003]; available from <http://www.mercosur.org.uy/espanol/sinf/varios/introduccion.htm>.

³⁴²⁰ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros: Boletín Electronico del Programa Internacional para la Erradicación del Trabajo Infantil, IPEC-Sudamérica* vol. 2, is. 6, (August 2002), 2,6 [cited September 1, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

³⁴²¹ IDB, *Program to Strengthen Basic Education Reform*, [online], [cited September 1, 2003]; available from <http://www.iadb.org/exr/doc98/apr/pr1254e.pdf>.

³⁴²² Ministry of Education and Culture, *Escuela Viva*, Ministerio de Educación y Cultura, [online] [cited July 7, 2003]; available from http://www.escuelaviva-mec.com.py/escuela_1.html.

³⁴²³ 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; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/03/22//000094946_02030704010785/Rendered/PDF/multi0page.pdf. See also UNDP, *El Gasto Público en Servicios Sociales Básicos en Paraguay: Análisis desde la Perspectiva de la Iniciativa 20/20: Estudio elaborado por el Sistema de las Naciones Unidas*, online, Asunción, September 2000, [cited September 1, 2003]; available from http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc_par.pdf.

³⁴²⁴ WFP, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43.

³⁴²⁵ Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR*, [online] [cited July 2, 2003]; available from <http://www.pamar.org/py/novedades.php?seccion=sa> and <http://www.pamar.org/py/novedades.php?seccion=ed>. See also Dr. Carlos Alberto Arestivo, *Informe Gubernamental sobre la Explotación Sexual - República del Paraguay*, PDF online, Instituto Interamericano del Niño; available from http://www.iin.oea.org/C.A._Arestivo_Paraguay.PDF.

supported a government program to achieve universal preschool and early education, in particular targeting children at social and educational risk.³⁴²⁶

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 5.4 percent of children in Paraguay aged 10 to 14 years were working.³⁴²⁷ Data from the National Census indicates that nearly two-thirds of child workers are boys.³⁴²⁸ The largest percentage of working children are found in the agricultural sector.³⁴²⁹ Children sell newspapers and sundries, clean car windows, and work in family enterprises and alongside their parents in fields.³⁴³⁰ 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.³⁴³¹ There are reports of children working as prostitutes in Asunción, Ciudad del Este and smaller cities and border regions.³⁴³² Paraguay is a country of destination for girls trafficked from other countries in the South America region for purposes of commercial sexual exploitation.³⁴³³ There have been allegations that adolescents from rural areas have been forced to enlist in the armed forces.³⁴³⁴ Many rural families, however, have encouraged their underaged sons to enlist as a means of securing housing, sustenance, livelihood, basic education, and health care.³⁴³⁵

The General Education Law establishes free and compulsory basic education for nine years.³⁴³⁶ However, due to inadequate resources, the government was not able to provide universal basic education through the ninth grade.³⁴³⁷ In 2000, the gross primary enrollment rate was 111.2 percent, and the net primary enrollment rate was 92.1 percent.³⁴³⁸ In 1999, 76.4 percent of children enrolled in primary school reached grade five.³⁴³⁹ A 2000/

³⁴²⁶ IBD, *IDB Approves \$23.4 Million Loan to Paraguay to Improve Preschool and Early Education*, [online] 2003 [cited July 7, 2003]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English.

³⁴²⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁴²⁸ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, online, 12 [cited September 1, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/documentos/folletomercosur.doc>.

³⁴²⁹ General Office of Statistics Surveys and Censuses, *Informe Sobre Empleo Infantil: Encuesta Integrada de Hogares 2000/01*, Presidencia de la República, Secretaría Técnica de Planificación, Asunción, 2002, cuadro 7, page 16.

³⁴³⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Paraguay*, U.S. Department of State, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18341.htm>.

³⁴³¹ *Ibid.*, Section 6c.

³⁴³² *Ibid.*, Section 6f. See also U.S. Department of State, *unclassified telegram no. 118*, January 25, 2002.

³⁴³³ “News from Brazil,” *Brazilian Justice and Peace Service*, 244 (September 12, 1996), [cited September 1, 2003]; available from <http://www.oneworld.org/sejup/244.htm>. See also The Protection Project, “Paraguay,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://www.protectionproject.org/main1.htm>.

³⁴³⁴ Coalition to Stop the Use of Child Soldiers, “Paraguay,” in *Global Report 2001*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

³⁴³⁵ U.S. Embassy– Asunción official, electronic communication to USDOL official, February 25, 2004.

³⁴³⁶ Government of Paraguay, *Legislación juvenil en Paraguay: Ley General de Educación*, sección 3, artículo 32, [cited September 1, 2003]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/par/iii/index.htm>. *Legislación juvenil*, sección 3, artículo 32, [cited September 1, 2003].

³⁴³⁷ U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 5.

³⁴³⁸ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁴³⁹ *Ibid.*

2001 national child labor survey indicated that 65 percent of working children aged 5 to 17 years attended formal school.³⁴⁴⁰ 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.³⁴⁴¹ Girls have less access to education than boys, especially in rural areas.³⁴⁴² The Ministry of Labor and Justice reports that only 50 percent of children who start the first grade complete the primary level. In rural areas, the completion rate drops to 10 percent.³⁴⁴³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in industrial, public or private businesses at 15 years.³⁴⁴⁴ Minors aged 14 to 18 are permitted to work in non-industrial settings under specific conditions.³⁴⁴⁵ The Child and Adolescent Code prohibits children aged 14 to 18 from working underground, underwater, or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well being.³⁴⁴⁶ Children aged 14 to 16 may not work in excess of 4 hours a day and 24 hours a week. Children ages 16 to 18 may not work more than 6 hours a day and 36 hours a week.³⁴⁴⁷ The Code also makes it unlawful to contract children for domestic work outside of Paraguay.³⁴⁴⁸

The Constitution prohibits any form of slavery, repression or trade in human beings.³⁴⁴⁹ 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.³⁴⁵⁰ The Penal Code prohibits any individual from putting the life or liberty of another individual in danger by forcing, deceiving or coercing a person to leave the country, and it proscribes legal punishments for individuals who prostitute children under the age of 18.³⁴⁵¹ In cases in which a

³⁴⁴⁰ General Office of Statistics Surveys and Censuses, *Informe Sobre Empleo Infantil*, cuadro 5, page 14.

³⁴⁴¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁴⁴² U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 5.

³⁴⁴³ Government of Paraguay, *Information on Efforts by Paraguay*, 1. Primary (basic) education includes grades 1-9. See Viceministerio de Educación Ministerio de Educación y Cultura, *Plan Educacional Nanduti: "Por una educación para todos con calidad y equidad"*, 2003-2015, Asunción, December, 2002, 27; available from http://ept.unesco.cl/medios/pdf/plan_nanduti.pdf.

³⁴⁴⁴ Government of Paraguay, *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, Article 119, [cited September 1, 2003]; available from <http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF>.

³⁴⁴⁵ The conditions include the following: Minors must have completed obligatory education, or work must not impede school attendance; minors must obtain required work certification; work must be light and take place during the day; minors must have legal authorization to work; minors must not work more than 4 hours daily and 24 hours weekly (minors still attending school must not work more than 2 hours a day, and the total number of hours spent on school and work combined must not exceed 7 hours); and the minor must not work on Sundays or holidays. See *Ibid.*, Article 120.

³⁴⁴⁶ Government of Paraguay, *Código de la Niñez y la Adolescencia*, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores, Chapter II, Article 54.

³⁴⁴⁷ *Ibid.*, Capítulo II, Artículo 58.

³⁴⁴⁸ *Ibid.*, Capítulo III, Artículo 67.

³⁴⁴⁹ 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 September 1, 2003]; available from <http://www.senado.gov.py/constitu.html>.

³⁴⁵⁰ *Código de la Niñez y la Adolescencia*, artículo 31.

³⁴⁵¹ The Penal Code calls for a jail sentence of up to 10 years. See Government of Paraguay, *Código Penal*, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo [cited September 1, 2003]; available from http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html.

crime, such as trafficking in persons, is committed abroad by a Paraguayan national, Paraguay's criminal law allows for extraterritorial jurisdiction.³⁴⁵² It is an offense to induce a person under 18 years of age into prostitution.³⁴⁵³ If the perpetrator acts for profit or if the victim is under 14, the penalty can increase.³⁴⁵⁴

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.³⁴⁵⁵ 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.³⁴⁵⁶

The Government of Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.³⁴⁵⁷

³⁴⁵² 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.

³⁴⁵³ Ibid.

³⁴⁵⁴ Ibid.

³⁴⁵⁵ U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 6d.

³⁴⁵⁶ ECPAT International, *Paraguay in ECPAT International*.

³⁴⁵⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 31, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Peru has been a member of ILO-IPEC since 1996.³⁴⁵⁸ ILO-IPEC programs in Peru include the first and second phase of a USDOL-funded regional program to eliminate child labor in small-scale traditional mining sectors, and a USDOL-funded regional program to eliminate child domestic labor.³⁴⁵⁹ In addition, 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 2002.³⁴⁶⁰ ILO-IPEC also provides support to remove children from dangerous work in stone quarries.³⁴⁶¹

In 2003, the Ministry of Education issued a directive to establish night classes and lengthen matriculation periods for youth employed as domestics in private homes.³⁴⁶² In 2002, the Ministry of Women and Social Development³⁴⁶³ produced the National Action Plan for Children and Adolescents 2002 – 2010. The plan focuses on the elimination of the worst forms of child labor for children aged 6 to 11 years, and promotes control over working conditions for adolescents at or above the legal working age as part of its strategic objectives.³⁴⁶⁴ Also in 2002, the Ministries of Labor, Health, Energy and Mines, and Education created a system that allows the government to monitor and verify progress in the elimination of child labor in small-scale mining for a 10-year period (2002–2012).³⁴⁶⁵

The Ministry of Labor and Employment Promotion offers a program to underprivileged youth aged 16 to 24 years that provides them with vocational training and access to apprenticeships and employment opportunities in the private sector.³⁴⁶⁶ 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.³⁴⁶⁷ The National Institute of Family Well-Being has a program that provides a variety of services to working

³⁴⁵⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [cited August 27, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

³⁴⁵⁹ Other regional countries in the mining program are Bolivia and Ecuador. See ILO-IPEC, *Program To Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, project document, P260.03.202.050, 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. Other regional countries in the domestic labor program include Brazil, Colombia, and Paraguay. See ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000.

³⁴⁶⁰ The Letter of Agreement for this USD 1.5 million project was signed by the Peruvian Minister of Education and a USDOL official on September 24, 2002. See Ministry of Education, *Ministro de Educación Firma Convenio para Financiar Proyecto Orientado a Combatir Trabajo Infantil*, September 24, 2002, [cited September 30, 2002]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=24-09-2002_02.htm. See also World Learning Inc., *EduFuturo: Educating Artisanal Mining Children in Peru for a Dignified Future*, SB 501-000, September 16, 2002.

³⁴⁶¹ USAID, *Education to Combat Abusive Child Labor: Child Labor Country Briefs- Peru*, [previously online]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp> [hard copy on file].

³⁴⁶² U.S. Embassy– Lima, *unclassified telegram no. 3996*, August 15, 2003.

³⁴⁶³ In July 2002, with the reorganization of the executive branch of government, PROMUDEH was renamed the Ministerio de la Mujer y Desarrollo Social (MIMDES) by law No. 27779. See Ministry of Women and Social Development, *Antecedentes*, [cited October 10, 2003]; available from http://www.congreso.gob.pe/out_of_domain.asp?URL=http%3A//www.mimdes.gob.pe. See also *Decreto Supremo*, No. 008–2002–MIMDES, (August 26 2002); available from <http://www.mimdes.gob.pe>.

³⁴⁶⁴ Government of Perú, *Plan Nacional de Acción para la Infancia y la Adolescencia 2002 - 2010: Construyendo un Perú Mejor para la Niñas, Niños y Adolescentes*, 2002, [previously online]; available from <http://www.minmimdes.gob.pe/indiceorg.htm> [hard copy on file].

³⁴⁶⁵ U.S. Embassy– Lima, *unclassified telegram no. 3996*.

³⁴⁶⁶ Ministry of Labor and Employment Promotion, *Acerca de ProJoven: Objetivos*, Ministerio de Trabajo y Promoción de Empleo, [online] [cited July 3, 2003]; available from <http://www.mintra.gob.pe/projoven/objetivo> and <http://www.mintra.gob.pe/projoven/jovenes>.

³⁴⁶⁷ Nestor Popolizio, *Cuestionario sobre Trabajo Infantil*, Fax to DOL Official, Embassy of Peru, September 5, 2002, 4.

youth, including school support, housing, reintegration into the public school system, reintegration into the family, and vocational training.³⁴⁶⁸ The Ministry of Health's School and Adolescent Health Program provides free medical coverage to children throughout the country beginning at age 5 with the aim of promoting healthy behavior.³⁴⁶⁹ Since 1995, the National Police has been operating a Division for Matters Concerning Children and Adolescents to address cases concerning the rights of children and adolescents.³⁴⁷⁰

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.³⁴⁷¹ The Ministry is also implementing a distance-learning program using computer technology to provide children with access to school throughout the country.³⁴⁷² Since 2002, USAID, in collaboration with the Ministry of Education, has expanded a girls education initiative to provide technical assistance, develop models of education decentralization, and strengthen local capacity for quality education programs.³⁴⁷³ With funds from the OAS, 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.³⁴⁷⁴ 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.³⁴⁷⁵ In 2002, the IDB approved a social development loan that includes an infrastructure component for kindergarten and primary schools in rural areas.³⁴⁷⁶ With financing from the World Bank, the Ministry began implementation of a project in May 2003 to extend access to rural pre- and secondary school education, improve teaching quality and motivation in rural areas, and strengthen education management.³⁴⁷⁷ The World Food Programme is extending the

³⁴⁶⁸ National Institute of Family Welfare (INABIF), *Nuestros Servicios*, [previously online]; available from <http://www.inabif.gov.pe/servicio/servicio2.htm> [hard copy on file]. As of June 2003, MIMDES had 120 educators that provided services to 8,310 children and adolescent workers in 47 centers throughout the country. See Ministry of Women and Social Development, *MIMDES Celebra "Día Internacional Contra el Trabajo Infantil"*, Ministerio de la Mujer y Desarrollo Social, [online] 2003 [cited July 3, 2003]; available from <http://www.mimdes.gob.pe/actmin.htm>.

³⁴⁶⁹ 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 August 28, 2003]; available from <http://www.minsa.gob.pe/psea/index.htm>.

³⁴⁷⁰ Estudio Torres y Torres Lara, *Directiva No. 19-95-DIVIPOLNA Sobre Atención y Intervención Policial con Niños y Adolescentes (25 de abril de 1995)*, [cited August 28, 2003]; available from <http://www.asesor.com.pe/teleley/direc-19-95.htm>.

³⁴⁷¹ This project includes public schools in marginal urban, rural, border and emergency zones at the pre-school, primary and secondary levels. See Ministry of Education, *Programa de educación básica para todos*, [cited August 28, 2003]; available from http://www.minedu.gob.pe/secretaria_general/of_administracion/proyectos/educ_basic.html.

³⁴⁷² 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. See Ministry of Education, *Ministro de Educación Presenta Líneas de Acción del Programa Estratégico Huascarán*, September 23, 2002, [cited August 28, 2003]; available from http://www.minedu.gob.pe/prensa_comunica/notas/setiembre-2002/dir.php?obj=23-09-2002_01.htm.

³⁴⁷³ USAID, *PERU: Program Data Sheet 527-006*, 527-006, USAID, 2003; available from <http://www.usaid.gov/pubs/cbj2003/lac/pe/527-006.html>.

³⁴⁷⁴ 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 August 28, 2003]; available from http://www.minedu.gob.pe/gestion_pedagogica/dir_edu_inicial_primaria/proyectos/materiales_edu/dir.php?obj=materiales_educa.htm.

³⁴⁷⁵ IDB, *Program to Improve the Quality of Secondary Education: Executive Summary*, approved January 2000, [cited August 27, 2003]; available from <http://www.iadb.org/exr/doc98/apr/pe1237e.pdf>.

³⁴⁷⁶ IDB, *PERU: Stage Three of the National Program to Support Operations of the Compensation and Social Development Fund (FONCODES III)*, PE-0193, The Inter-American Development Bank, September 11, 2002, 11; available from <http://www.iadb.org/exr/doc98/apr/pe1421e.pdf>.

³⁴⁷⁷ World Bank, *Peru-Rural Education and Teacher Development Project*, project information document, PID10829, Washington, D.C., April 1, 2002; available from http://www-wds.worldbank.org/servlet/WDSPContentServer/WDSP/IB/2001/12/21/000094946_01122104030511/Rendered/PDF/multi0page.pdf.

government's school feeding program in three departments in the highlands and promoting gender equity in educational access.³⁴⁷⁸

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 1.7 percent of children ages 10 to 14 years in Peru were working.³⁴⁷⁹ A large number of children, however, are working in the country's informal economy in activities that are not well captured by child labor surveys.³⁴⁸⁰ Data from the National Household Survey indicate that the working population from 14 to 17 years tripled between 1997 and 2001.³⁴⁸¹ Children are employed in the agricultural sector (including coca cultivation), fireworks factories, stone quarries, and the brick-making sector. Children are also found loading and unloading produce in markets, collecting garbage and working in informal mining sites.³⁴⁸² In urban areas, children often work shining shoes³⁴⁸³ and perform domestic work.³⁴⁸⁴ 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".³⁴⁸⁵ These forced recruits often come from border areas or rural areas of the interior.³⁴⁸⁶ In 2003, there were reports of children serving in the army in the department of Loreto.³⁴⁸⁷ Children also engage in prostitution.³⁴⁸⁸ The commercial sex trade flourishes in Cuzco due to high unemployment and high tourism levels in which children are reportedly involved.³⁴⁸⁹

³⁴⁷⁸ WFP, *WFP-assisted Projects*, [online] 2003 [cited July 6, 2003]; available from <http://www.wfp.org/index.asp?section=5>.

³⁴⁷⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. As noted in the "Data Sources" chapter of this report, estimates on the number of working children are likely to be underestimates because the nature of household surveys do not lend themselves to collecting data on children who are working in the informal or illegal sectors of the economy, particularly children in the worst forms of child labor.

³⁴⁸⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Peru*, U.S. Department of State, Washington D.C., March 31, 2003, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18342.htm>.

³⁴⁸¹ 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.

³⁴⁸² U.S. Department of State, *Country Reports - 2002: Peru*, Section 6d.

³⁴⁸³ Jesus V. Astete and Isabel R. Baufume, *Trabajando en las calles de mi ciudad* (Cuzco, Peru: Asociación Qosqo Maki, 1998), 28.

³⁴⁸⁴ ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour*, project document.

³⁴⁸⁵ "Leva" means "levy" or "conscription." *The American Heritage Spanish Dictionary*, ed. Françoise Dubois-Charlier (Boston: Houghton Mifflin Company, 1986), 317. See also Coalition to Stop the Use of Child Soldiers, *The Use of Children as Soldiers in Latin America: A Country Analysis*, May 1999, [previously online] [cited October 1, 2002]; available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm> [hard copy on file]. See also Radda Barnen, "Peru Armed Forces," (1999); available from <http://globalmarch.org/virtuallibrary/radda-barnen-child-soldiers/database/peru-armed-forces.htm>.

³⁴⁸⁶ 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>.

³⁴⁸⁷ U.S. Embassy- Lima, *unclassified telegram no. 1123*, March 4, 2003.

³⁴⁸⁸ ECPAT International, *Peru*, in ECPAT International, [database online] [cited August 28, 2003], "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 - 2002: Peru*, Section 5.

³⁴⁸⁹ ECPAT International, *Peru*, "Child Prostitution".

The General Education Law establishes free and compulsory public education through secondary school.³⁴⁹⁰ In 1999, the gross primary enrollment rate was 127.6 percent and the net primary enrollment was 104.5 percent.³⁴⁹¹ School attendance is lower in rural and jungle areas, and girls attend at a lower rate than boys.³⁴⁹² 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.³⁴⁹³ Indigenous children and those from rural areas lack access to the education system.³⁴⁹⁴ The average number of years of schooling and student performance are also sharply lower in rural areas than in urban areas.³⁴⁹⁵ The Child and Adolescent Code provides for special arrangements and school timetables so that working children and adolescents can attend school regularly.³⁴⁹⁶

Child Labor Laws and Enforcement

Within the Ministry of Women and Social Development, the Directorate of Children and Adolescent Affairs is responsible for developing and coordinating national policy on youth, particularly those policies affecting children exposed to violence, extreme poverty, discrimination and social exclusion.³⁴⁹⁷ 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.³⁴⁹⁸ However, children aged 12 to 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.³⁴⁹⁹ According to the Code, the minimum age for employment in the hazardous industrial, commercial or mining sectors is 15 years, while in the industrial fishing sector it is 16.³⁵⁰⁰ Work that might harm a child's physical, mental and emotional health and development, including underground work or work that involves heavy lifting and car-

³⁴⁹⁰ Pre-school, primary and secondary education are compulsory. El Presidente de la República, *Ley General de Educación*, 28044, Lima, July 17, 2003, articles 4, 8 and 12. The General Education Law was passed on July 17, 2003 and includes articles on bilingual, intercultural, and vocational education, as well as on regular and alternative basic education for working children and adolescents. See El Presidente de la República, *Ley General de Educación*, articles 20, 36 and 37. 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.

³⁴⁹¹ World Bank, *World Development Indicators 2003*. Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁴⁹² U.S. Department of State, *Country Reports - 2002: Peru*, Section 5.

³⁴⁹³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁴⁹⁴ 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 August 28, 2003]; available from <http://www.icftu.org>.

³⁴⁹⁵ World Bank, *Peru-Rural Education*, project information document.

³⁴⁹⁶ ILO, *The Effective Abolition of Child Labor: Peru*, January 2001, 344 [August 28, 2003]; available from <http://www.ilo.org/public/english/standards/relm/gb/docs/gb280/pdf/gb-3-2-abol.pdf>.

³⁴⁹⁷ Gerente de Promoción de la Niñez y la Adolescencia, *¿Qué Somos?*, Ministerio de la Mujer y Desarrollo Social, [online] [cited August 28, 2003]; available from <http://www.mimdes.gob.pe/dgna/dgnaweb1.htm>.

³⁴⁹⁸ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, [cited September 4, 2003]; available from <http://www.cajpe.org.pe/rj/bases/legisla/peru/27571.htm>.

³⁴⁹⁹ Popolizio, *Cuestionario sobre Trabajo Infantil*, 3, 15. 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 *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/rj/bases/legisla/peru/ley1.html>.

³⁵⁰⁰ *Requisitos y formalidades para la contratación laboral de adolescente*, [previously online]; available from <http://www.mtps.gob.pe/normas/033-2000-tr.htm>. [hard copy on file].

rying, or work that might serve as an obstacle to continued school attendance, is prohibited for youth under the age of 18.³⁵⁰¹ Children aged 12 to 14 years are prohibited from working more than 4 hours a day, or over 24 hours a week, and adolescents between 15 and 17 years may not work more than 6 hours a day, or over 36 hours a week.³⁵⁰² Working children must be paid at the same rate as adult workers in similar jobs.³⁵⁰³ The Child and Adolescent Code prohibits hazardous forms of child labor such as forced and bonded labor, economically exploitative labor, prostitution, and trafficking.³⁵⁰⁴ Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others.³⁵⁰⁵ 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.³⁵⁰⁶ 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.³⁵⁰⁷

The Ministry of Labor and Employment Promotion is responsible for enforcing labor laws. As of August 2003, the Ministry had 200 labor inspectors, over two-thirds of whom work in Lima. Inspections are primarily conducted in the formal sector³⁵⁰⁸, and enforcement remedies are generally adequate to punish and deter violations.³⁵⁰⁹ However, many children work in the informal economy where the government does not supervise wages or working conditions.³⁵¹⁰ The national police and local prosecutors have law enforcement authority over child labor violations.³⁵¹¹ The Directorate of Children and Adolescent Affairs, an office within, is charged with protecting the rights of children and adolescents.³⁵¹² At the municipal level, the Municipal Child and Adolescent Defender Centers work with local governments to supervise investigations, apply punishments,³⁵¹³ and monitor compliance of child labor laws.³⁵¹⁴

The Government of Peru ratified ILO Convention 138 on November 13, 2002 and ILO Convention 182 on January 10, 2002.³⁵¹⁵

³⁵⁰¹ *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>.

³⁵⁰² *Síntesis Legal*. 7.1.3, *Jornadas especiales de trabajo adolescentes*, [previously online] [cited October 1, 2002]; available from <http://www.mtps.gob.pe/sintesis.htm> [hard copy on file].

³⁵⁰³ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, Ley no. 27337, Capítulo IV, Régimen para el adolescente trabajador, Artículo 59.

³⁵⁰⁴ *Ibid.*, Libro primero: Derechos y libertades, Capítulo I: Derechos Civiles, Artículo 4.

³⁵⁰⁵ U.S. Department of State, *Country Reports - 2002: Peru*, Section 5.

³⁵⁰⁶ *Ibid.*, Section 6f.

³⁵⁰⁷ Penalties for sexual assaults against children were lowered to compensate for overcrowded prisons. See ECPAT International, *Peru*, "CSE Overview".

³⁵⁰⁸ U.S. Embassy- Lima, *unclassified telegram no. 3996*.

³⁵⁰⁹ U. S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

³⁵¹⁰ U.S. Department of State, *Country Reports - 2002: Peru*, Section 6d.

³⁵¹¹ U.S. Embassy- Lima, *unclassified telegram no. 5249*, October 7, 2002.

³⁵¹² Ministry of Women and Social Development, *Gerente de Promoción de la Niñez y la Adolescencia*, [cited August 28, 2003]; available from <http://www.mimdes.gob.pe/dgna/dgnaaweb1.htm>. See also U.S. Embassy- Lima, *unclassified telegram no. 5249*.

³⁵¹³ *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, Ley no. 27337, Capítulo V, Contravenciones y Sanciones, Artículo 70.

³⁵¹⁴ U. S. Embassy- Lima, *unclassified telegram no. 5249*.

³⁵¹⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the Philippines created the Council for the Welfare of Children in 1974 as the focal point for child welfare issues, and it continues to focus on welfare issues, including exploited children and child laborers.³⁵¹⁶ The Government of the Philippines became a member of ILO-IPEC in 1994.³⁵¹⁷ The government passed a counter-trafficking law in May 2003 with specific provisions for children and created the Interagency Council Against Trafficking (IACAT).³⁵¹⁸ The government has also created strategic action plans on child labor,³⁵¹⁹ children's issues (including efforts to protect children with special needs such as working children),³⁵²⁰ and for children engaged in armed conflict.³⁵²¹

The Government of the Philippines combats child labor in conjunction with national and international organizations. The National Program Against Child Labor serves as the structure to coordinate these activities and identify needs, and is led by the Department of Labor and Employment).³⁵²² In 2003, the government launched a two-year project to combat child labor in tobacco production in Region I (Ilocos Region).³⁵²³ 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.³⁵²⁴ The Philippine government is a part of the ILO-IPEC inter-regional child soldiers project funded by USDOL in 2003 to remove and prevent children from becoming involved in armed conflict in the Mindanao region.³⁵²⁵

³⁵¹⁶ The council is now part of the Department of Social Welfare and Development. It operates hotlines on child welfare, formulates policy on children, ensures consistency with the UN Convention on the Rights of the Child, and performs advocacy. See Council for the Welfare of Children, *Council for the Welfare of Children*, [online fact sheet] [cited June 11, 2003], "About Us"; available from <http://www.cwc.gov.ph.html>.

³⁵¹⁷ ILO-IPEC, *All About IPEC: Programme Countries*, August 13, 2001 [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. The government 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. See 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.

³⁵¹⁸ In addition to setting out penalties for trafficking offenses, the law also mandates the establishment of various services by specified government agencies, and establishes that certain social services be made available to all trafficking victims. See *Anti-Trafficking in Persons Act of 2003*, Republic Act 9208; available from Coalition Against Trafficking in Women - Asia Pacific (CATW-AP) at <http://www.catw-ap.org/>. See also ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, technical progress report, PHI/02/P50/USA, September 12, 2003. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Philippines*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm#philippines>.

³⁵¹⁹ The National Program Against Child Labor (2001-2004) establishes a framework for the implementation of comprehensive action against child labor. See 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.

³⁵²⁰ The plan was adopted through Executive Order No. 310, 3 November 2000. The Framework is also referred to as "Child 21." See Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000, vii-viii, 37. President Arroyo established a Department of Labor and Employment-led Poverty-Free Zone Program in September 2001 that includes anti-child labor activities. See U.S. Embassy- Manila, *unclassified telegram no. 5729*, October 18, 2002.

³⁵²¹ The Comprehensive Program Framework for Children in Armed Conflict was adopted in November 2001. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Philippines*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18261.htm>.

³⁵²² Council for the Welfare of Children, *Council for the Welfare of Children*.

³⁵²³ ECLT Foundation, *ECLT Foundation Program in the Philippines with the Department of Labor and Employment 2003 - 2005*, [online] 2003 [cited June 19, 2003]; available from www.eclt.org/activities/philippines.html.

³⁵²⁴ 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. See ILO-IPEC, *Supporting the Time-Bound Program*, project document, 15-16.

³⁵²⁵ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, Geneva, September 2003.

In June 2002, USDOL, the Philippine DOLE, and the Department of Education signed a letter of intent committing all three agencies to collaborate on Timebound initiatives aimed at reducing the number of children participating in the worst forms of child labor, and strengthening the Philippines' educational systems.³⁵²⁶ The USDOL-funded ILO-IPEC program to support the Philippine Timebound Program was launched, with strong government support, 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, engagement in armed conflict, and work on commercial sugar cane farms.³⁵²⁷ With funding from USDOL and technical assistance from ILO-IPEC, the Philippine National Statistics Office conducted the second round of a national child labor survey in 2001 to identify the extent and nature of child labor in the Philippines.³⁵²⁸

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.³⁵²⁹ In addition, DOLE has a number of social welfare programs targeting working children, including the Working Youth Center and the Bureau of Women and Young Workers' Family Welfare Program.³⁵³⁰ The Department of Social Welfare and Development is the lead government agency that provides social welfare support for victims of trafficking,³⁵³¹ and also operates programs that provide social services to vulnerable children who have been exploited or abused, or rescued from living on the streets.³⁵³² Numerous government agencies work on prevention of trafficking and other counter-trafficking efforts.³⁵³³ Both independently and with UNICEF assistance, the government launched national information and awareness-raising campaigns against child labor.³⁵³⁴

The Medium-Term Philippine Development Plan for 2001-2004 includes promotion of universal primary education.³⁵³⁵ The government has implemented a number of education programs that benefit vulnerable children, in-

³⁵²⁶ USDOL committed USD 10 million in support of the initiative, which included an education project and the ILO-IPEC Timebound Program. See *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, para. 1, 3.

³⁵²⁷ The Timebound Program implementation has been integrated into the National Programme Against Child Labour for 2001-2004. USDOL funded the ILO-IPEC Timebound Program in September 2002. See ILO-IPEC, *Supporting the Time-Bound Program, project document*, i-iii, 4-5.

³⁵²⁸ 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.

³⁵²⁹ U.S. Embassy- Manila, *unclassified telegram no. 4103*, June 23, 2000. In 2002, the interagency program conducted 106 operations that rescued 363 minors; in the first quarter of 2003, an additional 16 operations were conducted that released 47 minors. See U.S. Embassy- Manila, *unclassified telegram no. 4653*, August 29, 2003.

³⁵³⁰ The BWYW has conducted training for government officials who enforce child labor laws as well as for companies nationwide. See U.S. Embassy- Manila, *unclassified telegram no. 5990*, October 10, 2001.

³⁵³¹ U.S. Department of State, *Country Reports- 2002: Philippines*, Section 6f.

³⁵³² Department of Social Welfare and Development, *DSWD Programs/Projects: Children*, DSWD, 2002 [cited June 11, 2003]; available from <http://www.dswd.gov.ph/children.htm>.

³⁵³³ U.S. Department of State, *Trafficking in Persons Report 2003- Philippines*.

³⁵³⁴ The Philippine Information Service (PIA) campaign includes posters, comic page inserts, and radio and television announcements that are aimed at children, parents and employers. PIA also holds workshops with the assistance of UNICEF, and it works locally to collect baseline data on people's attitudes and perceptions on child labor. See U.S. Embassy- Manila, *unclassified telegram no. 4103*.

³⁵³⁵ ILO-IPEC, *Supporting the Time-Bound Program, project document*, 13-14.

cluding establishing new elementary schools, school feeding and quality improvement projects.³⁵³⁶ 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.³⁵³⁷ DEPED's Bureau of Non-formal Education collaborates with donors and local government bodies to provide non-formal education under the NFE Accreditation and Equivalency System.³⁵³⁸

ADB and the government signed an agreement to work in partnership to fight poverty, including improving the quality of basic education.³⁵³⁹ ADB is currently funding projects through DEPED,³⁵⁴⁰ the Technical Education and Skills Development Authority,³⁵⁴¹ and the Development Bank of the Philippines to improve secondary and vocational education.³⁵⁴² AusAID is also assisting the delivery of quality technical education services through the development authority,³⁵⁴³ as well as improving access to basic education in Mindanao.³⁵⁴⁴ 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.³⁵⁴⁵

Incidence and Nature of Child Labor

In 2001, the Philippine National Statistics Office 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 14.³⁵⁴⁶ Child labor is more prevalent in rural areas.³⁵⁴⁷ Almost half of all child workers are engaged in ag-

³⁵³⁶ UNDP, *Philippine Progress Report on the Millennium Development Goals*, January 29, 2003, 25-26; available from <http://www.undp.org/mdg/countryreports.html>. In 2001, DEPED implemented the Zero Collection Fees system that banned collections of fees from students in public schools, leading to an increase in enrollment. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵³⁷ U.S. Embassy- Manila, *unclassified telegram no. 4103*.

³⁵³⁸ Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001, 4-8. DEPED is in the process of developing a system to provide alternative education to children ages 6 - 12 who are out of school. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵³⁹ *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.

³⁵⁴⁰ ADB, *Secondary Education Development and Improvement (LOAN: PHI 25182-01)*, April 19, 2000 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/25182013.ASP>.

³⁵⁴¹ ADB, *Technical Education and Skills Development (LOAN: PHI 23229-01)*, September 20, 2000 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/23229013.ASP>.

³⁵⁴² The funds are available for private institutions providing technical education to borrow in order to improve services. See ADB, *Fund for Technical Education and Skills Development (LOAN: PHI 23229-02)*, November 29, 2000 [cited June 25, 2003]; available from <http://www.adb.org/Documents/Profiles/LOAN/23229023.ASP>.

³⁵⁴³ AusAID, *Boost for Philippines Technical and Vocational Education*, [press release] 2002 [cited July 2, 2003]; available from http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=8445_5335_294_2481_916.

³⁵⁴⁴ AusAID, "Country Information- Philippines," available from <http://www.ausaid.gov.au/country/country.cfm&CountryId=31>.

³⁵⁴⁵ 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.

³⁵⁴⁶ National Statistics Office, *2001 Survey on Children, 5-17 Years Old: Final Report*, International Labour Organization, Manila, Philippines, May 2003.

³⁵⁴⁷ Within the specified age group, 70 percent of working children worked in rural areas. See National Statistics Office, *Philippine Survey on Children 2001 (Preliminary Results)*, May 2002; available from <http://www.census.gov.ph/data/pressrelease/2002/ch01prtx.html>.

ricultural activities,³⁵⁴⁸ while other children work in informal footwear production,³⁵⁴⁹ drug trafficking,³⁵⁵⁰ pyrotechnics production, deep-sea fishing, mining, and quarrying.³⁵⁵¹ 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,³⁵⁵² including the use of children in the production of pornography and the exploitation of children by sex tourists.³⁵⁵³ Children are reportedly trafficked internally for purposes of commercial sexual exploitation and labor.³⁵⁵⁴ There are no reports of child soldiers in the government armed forces, but children under the age of 18 are used as soldiers in paramilitary and armed opposition groups such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and the New People's Army.³⁵⁵⁵

The Philippine Constitution mandates six years of compulsory primary education for children,³⁵⁵⁶ and Republic Act No. 6655 provides for a free secondary education.³⁵⁵⁷ 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.³⁵⁵⁸ Primary and secondary schooling is free, although families must cover related costs such as transportation and supplies.³⁵⁵⁹ In 2000, the gross primary enrollment rate was 112.6 percent. The 2000 net primary enrollment rate was 92.7 percent, with 93.4 percent of girls enrolled versus 92.1 percent for boys.³⁵⁶⁰ The primary attendance rate in 1999 was approximately 86 percent.³⁵⁶¹ Many children who enroll in school fail to complete the year, with a 67.1 percent of children who enrolled in school completing the year in 2000.³⁵⁶²

³⁵⁴⁸ Ibid. See also Alejandro W. Apit, interview with USDOL official, April 6, 2000. A 2002 rapid appraisal found child labor in tobacco production in certain areas of the Philippines. See Incorporated Partners International, *Rapid Appraisal of Child Labor in the Tobacco Industry: Case Studies in Two Ilocos Provinces*, Philip Morris International, Manila, February 2002; available from <http://www.eclt.org/activities/philippines.html>.

³⁵⁴⁹ 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. See Department of Labor and Employment: Occupational Safety and Health Center, *Consolidated Report 1998/1999*, Manila, 19–21.

³⁵⁵⁰ 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.

³⁵⁵¹ ILO-IPEC, *Supporting the Time-Bound Program*, project document, 4–5.

³⁵⁵² U.S. Department of State, *Country Reports- 2002: Philippines*, Sections 5, 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.

³⁵⁵³ U.S. Department of State, *Trafficking in Persons Report 2003- Philippines*. See also ECPAT International, *Philippines*, in ECPAT International, [database online] [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁵⁵⁴ U.S. Department of State, *Country Reports- 2002: Philippines*, Sections 6c and 6f. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001.

³⁵⁵⁵ U.S. Department of State, *Country Reports- 2002: Philippines*, Section 5. See also Rufa Cagoco-Guiam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002.

³⁵⁵⁶ The Philippine Constitution, Article XIV, Section 2 (para 1, 2), 1987, as cited in Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines, Working Paper Series on Child Labor* (Manila: ILO-IPEC, 1995), 2.

³⁵⁵⁷ “Republic Act No. 6655,” in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001.

³⁵⁵⁸ Government of the Philippines, *Governance of Basic Education Act (Republic Act No. 9155)*, (2001).

³⁵⁵⁹ U.S. Department of State, *Country Reports- 2002: Philippines*, Section 5.

³⁵⁶⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁵⁶¹ 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>.

³⁵⁶² UNDP, *Philippine Report on Millennium Development Goals*, 25.

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.³⁵⁶³ Additionally, it is permissible for a child to work as an apprentice at age 14.³⁵⁶⁴ In December 2003, Republic Act 9231 was signed into law, creating measures to prevent the worst forms of child labor. Specifically, the new law prohibits the employment of children below 15 years of age, unless the Department of Labor grants a special permit. Other landmark features of the bill include limiting the number of working hours for children, formal administration of working children's income, initiating trust funds to preserve a portion of working children's income, and guaranteeing access to education and training for working children. Also known as the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Strong Protection for the Working Child, the act effectively codifies in domestic law the provisions of ILO Convention 182.³⁵⁶⁵

In addition to setting the minimum age for work, the Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children ages 15 to 18 years, and prohibits hazardous work for children less than 18 years of age.³⁵⁶⁶ The Department of Labor and Employment's Order No. 4 of 1999 includes in the definition of "hazardous work" the handling of dangerous substances, work hazardous to morals, work that entails exposure to extreme elements of cold, heat, noise, or pressure, and work that is hazardous by its nature.³⁵⁶⁷ 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.³⁵⁶⁸

A new counter-trafficking law, Republic Act No. 9208, was also enacted in May 2003.³⁵⁶⁹ The law criminalizes trafficking for the purposes of exploitation, including trafficking under the guise of arranged marriage, sex tourism, prostitution, pornography, or the recruitment of children into armed conflict.³⁵⁷⁰ The Act considers the trafficking of children as "qualified," and sets out higher penalties of life imprisonment and a fine of two million to five million pesos.³⁵⁷¹ Those who use the services of trafficked persons are also liable under the law to penalties of 15 years imprisonment and a fine of 500,000 to 1 million pesos.³⁵⁷² The law also sets out additional penalties for gov-

³⁵⁶³ *Philippines Labour Code*, Article 139; 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.

³⁵⁶⁴ *Philippines Labour Code*, Article 59.

³⁵⁶⁵ U.S. Embassy- Manila, *unclassified telegram no. 0962*, February 27, 2004.

³⁵⁶⁶ *Ibid.*, Article 139.

³⁵⁶⁷ This work would include use of adhesives used in footwear manufacture, employment in dance halls, deep-sea diving and underground work, 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. See also Department of Labor and Employment, *Primer on the Rights of Women and Young Workers*, DOLE, [online fact sheet] [cited July 14, 2003]; available from <http://www.dole.gov.ph/primers/rightswyw.htm>.

³⁵⁶⁸ *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.

³⁵⁶⁹ U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵⁷⁰ *Anti-Trafficking in Persons Act*, Sections 3-4.

³⁵⁷¹ The Act also provides for confiscation of any proceeds deriving from trafficking crimes. See *Ibid.*, Section 6, 10, 14. This is the equivalent of USD 36,476 to USD 91,191. See also FXConverter, [online] [cited September 9, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

³⁵⁷² *Anti-Trafficking in Persons Act*, Section 5, 10.

ernment employees breaking the law, and mandates immediate deportation of foreign offenders following the completion of the sentence.³⁵⁷³ Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,³⁵⁷⁴ and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children under 18 years from all forms of abuse, cruelty and exploitation and prohibits child prostitution and child trafficking.³⁵⁷⁵ The Revised Penal code also prohibits engaging in, profiting from or soliciting prostitution.³⁵⁷⁶

The DOLE is responsible for enforcing child labor laws through the labor standards enforcement offices.³⁵⁷⁷ The government has also begun institutionalizing a computer database on children identified as child laborers that includes their needs and identifies appropriate assistance.³⁵⁷⁸ However, child labor enforcement is reportedly weak due to a lack of resources, inadequate judicial infrastructure, low rates of convictions, and legislative shortcomings such as absence of coverage in the informal sector.³⁵⁷⁹ The National Bureau of Intelligence, the Bureau of Immigration and Detention, and the PNP Criminal Investigation and Detection Group are tasked with counter-trafficking.³⁵⁸⁰

The Government of the Philippines ratified ILO Convention 138 on June 4, 1998, and ILO Convention 182 on November 28, 2000.³⁵⁸¹

³⁵⁷³ Ibid., Section 6, 10. The Government has a joint agreement with Malaysia and Indonesia to combat transnational crime, including trafficking in persons. See U.S. Department of State, *Trafficking in Persons Report 2003- Philippines*.

³⁵⁷⁴ *Revised Penal Code*, as cited in The Protection Project Legal Library, [database online], Act No. 3815; available from <http://209.190.246.239/protectionproject/statutesPDF/PhilippinesEpdf>.

³⁵⁷⁵ Government of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, (Republic Act No. 7610 of 1992), Sections 2, 3, 5, 7; available from <http://natlex.ilo.org/txt/E92PHL01.htm>.

³⁵⁷⁶ *Revised Penal Code*, Articles 202, 341.

³⁵⁷⁷ DOLE maintains inspection statistics that reflect a steady decline in violations of child labor laws from 1997 – 2001. See U.S. Embassy- Manila, *unclassified telegram no. 5729*. In 2002, only 34 children below the age of 18 were identified, through inspections of 39, 811 establishments, of whom 5 were working in hazardous conditions. The total is up slightly from 26 children identified in 2001. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵⁷⁸ U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵⁷⁹ U.S. Embassy- Manila, *unclassified telegram no. 5853*, September 11, 2000. Trafficking convictions are not common due to the judicial system's ineffectiveness. See U.S. Department of State, *Trafficking in Persons Report- 2002: Philippines*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. The BWYW reported only 4 convictions on child labor violations from 1993 – 2003, although an additional 11 child labor cases are currently pending before the courts. See U.S. Embassy- Manila, *unclassified telegram no. 4653*.

³⁵⁸⁰ U.S. Department of State, *Country Reports- 2002: Philippines*, Section 6f.

³⁵⁸¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.³⁵⁸² These rights include the defense against violence, cruelty, exploitation, and actions that undermine a child's moral sense.³⁵⁸³ The Ombudsman has been active in a public information campaign on the hazards of children working in agriculture.³⁵⁸⁴ The Ministry of Agriculture, Ministry of Education, State Labor Inspectorate and Roman Catholic Church are working together to increase awareness of the hazards of child labor in rural communities.³⁵⁸⁵

In September 2003, the Government of Poland approved a national plan to combat trafficking that coordinates the efforts of the government, the private sector, and NGOs.³⁵⁸⁶ In cooperation with the Global Program Against Trafficking in Human Beings of the United Nations Office on Drugs and Crime, the government has also started a project against trafficking in persons. The project aims to strengthen criminal justice responses to trafficking and to enhance the coordination among the criminal justice system, civil society, and other organizations to prevent trafficking and control the involvement of organized crime. An important component of the project is to provide direct services to victims and witnesses of trafficking.³⁵⁸⁷ The government cooperates with INTERPOL to address the issue of trafficking and organized crime.³⁵⁸⁸ The government also provided a public building to an NGO to use as a shelter for trafficking victims and gave another organization a grant to build a shelter. However, since the number of shelters remained inadequate, NGOs frequently resorted to impromptu arrangements to shelter victims. The law allows foreign victims with illegal status to remain in the country during the investigation and trial of their traffickers. During 2003, the government provided full assistance to three victims who cooperated in prosecutions.³⁵⁸⁹

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Poland are unavailable. However, the State Labor Inspectorate 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.³⁵⁹⁰ 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, Moldova, 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

³⁵⁸² Government of Poland, *Law of 6 January 2000 on the Ombudsman for Children*; available from <http://www.brpd.gov.pl/law.html>. See Krystyna Tokarska-Biernacik, *Statement at the United Nations Special Session on Children*, May 8-10, 2002 [cited June 28, 2003]; available from <http://www.un.org/ga/children/polandE.htm>.

³⁵⁸³ *Constitution of Poland*, Chapter 2, Article 72; available from <http://www.sejm.gov.pl/english/konstytucja/kon1.htm>.

³⁵⁸⁴ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*, October 4, 2001.

³⁵⁸⁵ *Ibid.*

³⁵⁸⁶ U.S. Embassy -Warsaw, *unclassified telegram no. 4290*, December 22, 2003. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Poland*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18385.htm>.

³⁵⁸⁷ 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 July 23, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

³⁵⁸⁸ UN Office for Drug Control and Crime Prevention, *The Case of Poland*, [online] [cited July 23, 2003]; available from http://www.odccp.org/odccp/trafficking_projects_poland.html.

³⁵⁸⁹ U.S. Department of State, *Trafficking in Persons Report - 2003: Poland*.

³⁵⁹⁰ *Ibid.*, Section 6d.

are trafficked from Poland.³⁵⁹¹ The commercial sexual exploitation of boys by males visiting from Denmark, Germany, and Sweden is an increasing concern.³⁵⁹²

Education in Poland is compulsory to 18 years of age, and is free in public schools.³⁵⁹³ However, children living in rural areas and small towns are sometimes at a disadvantage when it comes to access to quality education.³⁵⁹⁴ In 2000, the gross primary enrollment rate was 99.6, and the net primary enrollment rate was 97.7 percent.³⁵⁹⁵ 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.³⁵⁹⁶

Child Labor Laws and Enforcement

Article 190 of the Labor Code sets the minimum age of employment at 15 years.³⁵⁹⁷ Children 13 to 15 years of age may work under temporary, limited contracts with permission from their parents. Minors 15 to 18 years have wider employment possibilities, but they may only be employed upon completion of primary school and under non-hazardous work conditions.³⁵⁹⁸ Polish children below the age of 15 are banned from mining and most types of construction.³⁵⁹⁹ The Penal Code bans work by children under the age of 15 in the production of pornographic films.³⁶⁰⁰

Polish law prohibits forced and bonded child labor.³⁶⁰¹ 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.³⁶⁰² Penalties for trafficking or recruiting the prostitution of individuals can impose sentences up to 10 years imprisonment.³⁶⁰³

³⁵⁹¹ 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 and Belgium. See U.S. Department of State, *Trafficking in Persons Report- 2003: Poland*, June 11, 2003 [cited July 23, 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. See also U.S. Department of State, *Country Reports- 2002: Poland*, Section 5, 6f.

³⁵⁹² U.S. Embassy- Warsaw, *unclassified telegram no. 3336*, September 18, 2003.

³⁵⁹³ *Constitution of Poland, Chapter 2, Article 70, Para. 1 and 2*; available from <http://www.sejm.gov.pl/english/konstytucja/kon1.htm>.

³⁵⁹⁴ Tokarska-Biernacik, *Statement at the United Nations Special Session on Children*.

³⁵⁹⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁵⁹⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁵⁹⁷ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Poland*, online, CRC/C/70/Add.12, Geneva, February 6, 2002, 17; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.70.Add.12.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.70.Add.12.En?OpenDocument).

³⁵⁹⁸ 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, 63. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Poland*, 17-19.

³⁵⁹⁹ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*.

³⁶⁰⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Poland*, 79.

³⁶⁰¹ U.S. Department of State, *Country Reports- 2002: Poland*, Section 6c.

³⁶⁰² *Criminal Code*, as cited in The Protection Project Legal Library, [database online], Articles 200, 03, and 04; available from <http://www.protectionproject.org>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Poland*, 79.

³⁶⁰³ U.S. Department of State, *Country Reports- 2002: Poland*, Section 6f.

The State Labor Inspectorate is responsible for all labor-related complaints, including those related to child labor, and inspectors receive training in handling child labor issues.³⁶⁰⁴ In 2002, the State Labor Inspectorate conducted 1,450 investigations of underage employment, and levied fines that totaled 121,210 PLN (USD 32,000). Another 116 cases were sent to an administrative tribunal, which can levy steeper fines.³⁶⁰⁵ During the 2001 harvest, the State Labor Inspectorate found 2,400 children involved in harvesting. Fifty-four percent of these children were working in unsafe and harmful conditions.³⁶⁰⁶

The Government of Poland ratified ILO Convention 138 on March 22, 1978, and ratified ILO Convention 182 on August 9, 2002.³⁶⁰⁷

³⁶⁰⁴ U.S. Embassy- Warsaw, *unclassified telegram no. 4446*.

³⁶⁰⁵ U.S. Embassy- Warsaw, *unclassified telegram no. 3336*.

³⁶⁰⁶ U.S. Embassy- Warsaw, *unclassified telegram no. 4049*, November 2002.

³⁶⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Romania became a member of ILO-IPEC in 2000.³⁶⁰⁸ In that year, the government and ILO-IPEC established the National Action Program to Eliminate Child Labor. As part of the national program, child labor units were formed within the Ministry of Labor and Social Solidarity, the Labor Inspectorate, and the National Authority for Child Protection and Adoption). A National Advisory Group on Child Labor was established to mobilize and exchange information.³⁶⁰⁹ Intersectoral County Teams responsible for developing plans to investigate and monitor the child labor situation were established in 18 counties.³⁶¹⁰ 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.³⁶¹¹ A National Plan of Action to Eliminate Child Labor was developed in June 2003 and a draft law to eliminate child labor is currently under consideration by the government.³⁶¹² The National Institute of Statistics and Economic Studies began implementation of a national survey on child labor in 2000.³⁶¹³

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.³⁶¹⁴ The government also approved a National Plan of Action Against Trafficking of Persons in 2001.³⁶¹⁵ The government

³⁶⁰⁸ The ILO and the Government of Romania signed an MOU in 2000 and extended it in 2002 for a further 5-year period. See ILO-IPEC, *IPEC Romania at a Glance, 2000-2003*, ILO, Bucharest, May 2003.

³⁶⁰⁹ 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*, ROM/99/05/050, 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. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, technical progress report, ROM/99/05/050, Geneva, September 2002, 7.

³⁶¹⁰ The teams include representatives of the Specialized Public Services for Child Protection, Territorial Labor Inspectorates, Country Police Inspectorates, School Inspectorates, NGOs, universities and others. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, technical progress report, 7.

³⁶¹¹ The plan recommends improving the national legislation on the exploitation of children, diversifying the rehabilitation services provided for children, setting up monitoring mechanisms for children in difficult circumstances, implementing action programs to combat child labor, and providing training for the professionals working with children in difficulty. See 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.

³⁶¹² U.S. Embassy- Bucharest, *unclassified telegram no. 2723*, August 20, 2003. See also ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, status report, ROM/99/05/050, Geneva, June 2003, 5.

³⁶¹³ Data collection was finalized in 2002 and results will be available in early 2004. See ILO-IPEC, *Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in Romania*, Technical Progress Report, ROM/99/05/060, Geneva, March 2003. See also ILO-IPEC, *Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in Romania, Final Technical Report*, Geneva, December 10, 2003, 2. Preliminary data indicates that, while the number of hours worked was generally low (almost 90 percent of child respondents worked less than three hours per day), a third of the children worked seven days a week. See ILO-IPEC, *IPEC Romania at a Glance, 2000 - 2003*, ILO, Bucharest, May 2003, 3-4. 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. See Gabriela Alexandrescu, *Romania: Working Street Children in Bucharest: A Rapid Assessment*, ILO-IPEC, Geneva, March 2002; available from <http://www.ilo.org/public/english/standards/ippec/simpoc/romania/ra/streetcld.pdf>.

³⁶¹⁴ 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, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings in Southeastern Europe*, June 2002, 41-42.

³⁶¹⁵ Romanian Government's Decision 1216/2001 as cited in Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken by the Romanian Authorities to Combat Trafficking of Human Beings*, UN, February 25, 2002; available from <http://missions.itu.int/~romania/strategies/index.html>.

provides space for a shelter for victims of trafficking,³⁶¹⁶ and works with international organizations and regional networks to implement anti-trafficking programs. The Southeast European Cooperative Initiative Center in Bucharest has undertaken regional technical cooperation activities related to law enforcement and trans-border police to combat trafficking.³⁶¹⁷ 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.³⁶¹⁸ Romania is part of an ILO-IPEC regional project funded by USDOL in September 2003 to combat child trafficking in the Balkan region.³⁶¹⁹

The government operates a supplementary nutrition program to provide milk and bread for all children attending primary school,³⁶²⁰ and provides school supplies to primary school children from low-income families.³⁶²¹ In 2003, the World Bank provided a USD 60 million loan to support the Rural Education Project that will improve teaching and learning in rural schools; improve school-community partnerships through a grants program; strengthen the capacity of the Ministry of Education and Research to monitor, evaluate and analyze policy; and strengthen the project's management capacity.³⁶²² The World Bank has also provided a USD 70 million loan to support Romania's efforts to rehabilitate schools in 41 districts and strengthen the capacity of educational authorities at the national and local level to maintain the public education infrastructure.³⁶²³ The World Bank assisted the government in improving child welfare, including the reintegration of Bucharest street children into society.³⁶²⁴ Since 2001, a portion of the Social Development Fund Project specifically is aimed to give grants to fund community-based social services in poor, rural areas for disadvantaged children such as orphans and abandoned children, and for shelters for street children.³⁶²⁵

³⁶¹⁶ The Ministry of Interior provided the shelter space in November 2001, IOM funded the refurbishment of the shelter and a local NGO, Estuar Foundation, manages the premises. See UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings*, 46.

³⁶¹⁷ Ibid., 49. SECI member states include Albania, Bosnia-Herzegovina, Greece, Moldavia, FYR of Macedonia, Hungary, Bulgaria, Croatia, Turkey, Slovenia and Romania. See Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

³⁶¹⁸ UNICEF, UNOHCHR, and OSCE-ODIHR, *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 Jean-Philippe Chauzy, *Romania-Counter Trafficking Information Campaign Reaches some 1.6 million*, (Press Briefing Notes), IOM, [online] April 2, 2002 [cited August 27, 2003]; available from <http://www.iom.int/en/archive/PBN020402.shtml>. The Ministry of Education and Research, Ministry of Interior, and the Roman Orthodox Church work with the IOM in conjunction with other local NGOs to prevent trafficking and protect and reintegrate victims, especially girls and young women. See IOM, *Counter-Trafficking CT, 2000-2001 Program of Assistance to Victims of Trafficking in Human Beings and Prevention of Trafficking in Human Beings in Romania*, [online] 2001 [cited July 22, 2003]; available from http://www.oim.ro/en/trafic_stat.php. The IOM also works with the Ministry of Interior in the Czech Republic and Save the Children Romania to provide support to a center where information to prevent irregular migration of children. See IOM, *Support to the Child Center in Bucharest and Prevention of Irregular Migration in Minors (CCB)*, [database online] [cited October 10, 2003]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=RO1Z015>.

³⁶¹⁹ ILO-IPEC, *Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine*, project document, RER/03/P50/USA, September 2003.

³⁶²⁰ The school feeding program was established under Government Order No. 96/2002 and launched in September 2002, as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program for the Elimination of the Worst Forms of Child Labor in Three Selected Metropolitan Areas in Romania - an IPEC Action Program*, Bucharest, January 2003, 5. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2723*.

³⁶²¹ Government Order No. 496/2001 as cited in ILO-IPEC and Salvati Copiii, *IPEC Romania at a Glance, 2000-2003: Integrated Program*, 5.

³⁶²² World Bank, *Project Appraisal Document on a Proposed Learning and innovations Loan in the Amount of US\$5 Million to Romania for a Child Welfare Reform Project*, 25101-RO, June 9, 1998, 14; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/1998/06/09/000009265_3980709144338/Rendered/PDF/multi0page.pdf.

³⁶²³ World Bank, *School Rehabilitation Project*, [online] August 29, 2003 [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P044614>.

³⁶²⁴ The project has been ongoing from since 1998 though June 2003. See World Bank, *Project Appraisal Document in the Amount of US\$20 Million for the Social Development Fund (02) Project*, 22876-RO, November 26, 2001; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/01/10/000094946_01120704034240/Rendered/PDF/multi0page.pdf.

³⁶²⁵ This is funded through a USD 20 million loan from the World Bank. See Ibid.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Romania are unavailable.³⁶²⁶ However, children from the Roma community appear to be particularly at risk, where activities of begging and peddling on the street, and washing car windshields are prevalent.³⁶²⁷ The majority of children work in agriculture, with fewer children working in trade and/or services, and outside the family home.³⁶²⁸ In 2000, the NACPA estimated that there were 2,500 to 3,500 street children.³⁶²⁹ According to a study on street children in Bucharest, 62.7 percent of those interviewed dropped out of school.³⁶³⁰ 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.³⁶³¹ It is estimated that about 30 percent of sex workers in Bucharest are under 18 years of age.³⁶³² There are indications that Romanian teenage boys are involved in the sex trade in the countries of Western Europe.³⁶³³ Romania is a country of origin and transit for internationally trafficked women and girls from Moldova and Ukraine to Bosnia, Serbia, Macedonia, Kosovo, Albania, Greece, Italy, and Turkey for the purpose of sexual exploitation.³⁶³⁴ Girls as young as 14 have been trafficked.³⁶³⁵ The majority of trafficking cases in which IOM has assisted involve victims who were trafficked to the Balkans.³⁶³⁶ Forty-six percent of these victims originated from the Moldova region of Romania.³⁶³⁷

³⁶²⁶ Romania does not collect labor force statistics for children under the age of 15. See ILO, *Laborstat Database of Labor Statistics: Romania*, [database online] [cited October 10, 2003]; available from <http://laborsta.ilo.org/applv8/data/ssm3/e/RO.html>.

³⁶²⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Romania*, Washington, D.C., March 31, 2003, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18387.htm>.

³⁶²⁸ 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.

³⁶²⁹ Catalin Zamfir et al., *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action*, Research Institute for the Quality of Life, Bucharest, 2001, 16; available from http://www.undp.ro/publications/poverty_in_romania1.pdf. 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.

³⁶³⁰ One-hundred and fifty children were interviewed. See Alexandrescu, *Romania: Working Street Children*, 27-29.

³⁶³¹ *Ibid.*, 27-28.

³⁶³² UNICEF, UNOHCHR, and OSCE-ODIHR, *Trafficking in Human Beings*, 38.

³⁶³³ *Ibid.*

³⁶³⁴ U.S. Department of State, *Trafficking in Persons Report - 2003: Romania*, June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#romania>. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*. See also Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Romania (unedited version)*, January 31, 2003, para. 58; available from <http://193.194.138.190/html/menu2/6/crc/doc/co/co-romania-2.pdf>.

³⁶³⁵ 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. See IOM, *Counter-Trafficking CT*. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

³⁶³⁶ 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. See IOM, *Counter-Trafficking CT*.

³⁶³⁷ *Ibid.*

The Constitution states that children have a right to a free public education.³⁶³⁸ The Education Law No. 84/1995 was modified in June 2003 to increase compulsory education to ten years.³⁶³⁹ Article 20 of the Education Law stipulates that there is a possibility to organize special classes for children who have not finished the first 4 grades by the age of 14.³⁶⁴⁰ In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 92.8 percent.³⁶⁴¹ There is indication that the dropout rate has decreased since 1997.³⁶⁴² 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.³⁶⁴³ School participation is significantly lower among ethnic Roma children.³⁶⁴⁴

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.³⁶⁴⁵ However, the new Labor Code that established the minimum age for employment as 16 years came into force in March 2003.³⁶⁴⁶ Young persons aged 15 can be employed with the consent of their parents or legal guardian on the condition that the work performed is in accordance with their health and abilities and does not interfere with their education.³⁶⁴⁷ 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.³⁶⁴⁸ 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 (8 hours) except in emergencies.³⁶⁴⁹ The Constitution prohibits forced labor.³⁶⁵⁰

³⁶³⁸ *Constitution of Romania*, (December 8, 1991); available from http://www.oefre.unibe.ch/law/icl/ro00000_.html. However, fees are charged for schoolbooks after grade eight, making it difficult for children from low-income families to attend school. See U.S. Department of State, *Country Reports- 2002: Romania*, Section 5.

³⁶³⁹ Education Law No. 268/2003 as cited in ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, status report, 4. See also U.S. Embassy- Bucharest, *unclassified telegram no. 2723*.

³⁶⁴⁰ Alexandrescu, *Romania: Working Street Children*, 9.

³⁶⁴¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁶⁴² U.S. Department of State, *Country Reports- 2002: Romania*, section 5.

³⁶⁴³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁶⁴⁴ The Roma constitute a large ethnic minority in Romania. The school enrollment rate for Roma children from age 7 to 16 years was 67.4 percent. The temporary drop out rate was 13.5 percent and those not enrolled in school was 19.1 percent. This data was derived by the from information collected by the National Commission for Statistics for school year 1996 and 1997. See Sorin Cace and Ioan Marginean, *Roma Working Children and their Families: Socio-Cultural Characteristics and Living Conditions*, ILO-IPEC, UNICEF, ECHOSOC Foundation, Ministry of National Education and Research, 2002, 7-8.

³⁶⁴⁵ *Constitution of Romania*, Article 45 (3) and (4).

³⁶⁴⁶ Labor Code (Law No. 53/2003) as cited in U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, status report, 5.

³⁶⁴⁷ U.S. Embassy- Bucharest, *unclassified telegram no. 2723*. See also Government of Romania: Ministry of Labor and Social Solidarity Labor Inspection, *National Legislation on Child Labor-Summary*, 2001, published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor.

³⁶⁴⁸ Government of Romania: Ministry of Labor and Social Solidarity Labor Inspection, *National Legislation on Child Labor*.

³⁶⁴⁹ 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.

³⁶⁵⁰ *Constitution of Romania*, Article 39 (1).

Article 19 of the Labor Code³⁶⁵¹ and Article 191 of the Criminal Code punish forcing an individual to work against their will with 6 months to 3 years imprisonment.³⁶⁵²

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.³⁶⁵³ Law No. 678/2001 on preventing and combating trafficking in human beings protects children under the age of 19 years from being trafficked and applies more severe punishments when the child is under 15 years of age.³⁶⁵⁴ Article 18 of Law 678 also criminalizes child pornography.³⁶⁵⁵ During 2002, a total of 420 people were under investigation for suspected trafficking of humans. As of early December 2002, 164 suspects had been arrested.³⁶⁵⁶

Enforcement of labor laws that protect children falls under the mandate of the MLSS' Labor Inspectorate (established under Law No. 108/1999).³⁶⁵⁷ 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.³⁶⁵⁸ According to government authorities, from January to June 2003, there were no cases of illegal or dangerous child labor identified.³⁶⁵⁹

The Government of Romania ratified ILO Convention 138 on November 19, 1975, and ILO Convention 182 on December 13, 2000.³⁶⁶⁰

³⁶⁵¹ See the Labor Code, established under Law No. 10/1972 as cited in Alexandrescu, *Romania: Working Street Children*, 10.

³⁶⁵² See the Criminal Code as cited in National Agency for the Protection of Children's Rights on the Romanian Government, *Romania's Periodic Progress Report*, Section 8.3.

³⁶⁵³ Ibid.

³⁶⁵⁴ Trafficking of children ages 15 through 18 years carries a prison term of 3 to 12 years; for 2 or more victims, in cases where a victim suffers serious bodily harm, or if the victim is below the age of 15, penalties increase to 5-15 years. If a minor was coercively trafficked, an additional two years of prison time can be added. However, as of December 2002 the government had established no implementing regulations for the law. See U.S. Department of State, *Country Reports- 2002: Romania*, Section 6f. See also Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*, 2.

³⁶⁵⁵ Eric Barboriak, electronic communication to USDOL official, May 2, 2002. 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 Permanent Mission of Romania to the United Nations Office, *Progress Report on the Measures Taken*.

³⁶⁵⁶ U.S. Department of State, *Country Reports- 2002: Romania*, Section 6f.

³⁶⁵⁷ Embassy of Romania Washington D.C. official, Combating the Worst Forms of Child Labor, letter to U.S. Department of Labor official, September 25, 2000.

³⁶⁵⁸ Alexandrescu, *Romania: Working Street Children*, 9. Reorganization after June 2003 has moved the NACPA into the MLSS. See ILO-IPEC, *National Action for the Prevention and Elimination of Child Labor in Romania*, progress report, ROM/99/05/050, Geneva, September 2003, 3.

³⁶⁵⁹ U.S. Embassy- Bucharest, *unclassified telegram no. 2723*.

³⁶⁶⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 22, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Russia is an associated member of ILO-IPEC.³⁶⁶¹ In January 2000, the government began working with ILO-IPEC on a 3-year project to rehabilitate working street children in St. Petersburg.³⁶⁶² The program has included awareness-raising workshops for local government officials and the establishment of an action committee to develop recommendations for city government.³⁶⁶³ The Government of Russia has also supported the development of ILO-IPEC working papers on the situation of working street children in St. Petersburg,³⁶⁶⁴ the surrounding Leningrad region, and Moscow.³⁶⁶⁵ In 2003, ILO-IPEC began to develop a model rehabilitation project for working street children in the Leningrad region, and to work with the government to establish a regional child labor working group.³⁶⁶⁶ The Ministry of Labor and Social Development is working with UNICEF to establish a number of regional child rights ombudsmen.³⁶⁶⁷ USAID also assists the government in efforts to prevent child abandonment and strengthen community services for children in the regions of Tomsk, Khabarovsk, and Magadan.³⁶⁶⁸

In 2002, President Vladimir Putin called for immediate measures to address the problem of working street children. In response, the Ministry of Labor established a hotline for reporting cases of child abuse, including the problem of street children.³⁶⁶⁹ In August of the same year, the government initiated a 4-year USD 200 million “Children of Russia” program to improve child welfare, among other goals.³⁶⁷⁰ The program has expanded the number of institutions serving orphans, street children, and children and families at risk throughout the country.³⁶⁷¹ 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.³⁶⁷²

³⁶⁶¹ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, 2002, 16.

³⁶⁶² U.S. Consulate– St. Petersburg, *unclassified telegram no. 1504*, July 17, 2002.

³⁶⁶³ The action committee consists of trade union, police, academic, employer, religious and other NGO representatives. See Ibid. The project has also established teacher training in schools with high dropout rates, directed families with at-risk children to existing services, and provided rehabilitation to young girls living on the street and food, health care, and other necessities to street children. See U.S. Embassy– Moscow, *unclassified telegram no. 15215*, October 2002.

³⁶⁶⁴ ILO-IPEC, *In-depth Analysis of the Situation of Working Street Children in St. Petersburg 2000*, St. Petersburg, 2001, 8; available from http://www.ilo.org/public/english/standards/ipecc/simpoc/russia/ra/street_s.pdf.

³⁶⁶⁵ ILO-IPEC, *In-Depth Analysis of the Situation of Working Street Children in Moscow 2001*, Moscow, 2002, 6; available from http://www.ilo.org/public/english/standards/ipecc/simpoc/russia/ra/street_m.pdf. See also ILO-IPEC, *In-Depth Analysis of the Situation of Working Street Children in the Leningrad Region 2001*, St. Petersburg, 2002, 8; available from http://www.ilo.org/public/english/standards/ipecc/simpoc/russia/ra/street_l.pdf. ILO-IPEC has provided training to social workers and school personnel in Moscow on child labor issues. See U.S. Embassy– Moscow, *unclassified telegram no. 15120*, September 16, 2003.

³⁶⁶⁶ U.S. Embassy– Moscow, *unclassified telegram no. 15120*.

³⁶⁶⁷ Such positions have been established in the cities of Moscow, St. Petersburg, and Yekaterinburg, and in the regions of Arzamas-Volkskiy, Novgorod, Chechnya, Ivanovo, and Volgograd. Ombudsmen only have the authority to request enforcement actions from government agencies. See U.S. Department of State, *Country Reports on Human Rights Practices– 2002: Russia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18388pf.htm>.

³⁶⁶⁸ U.S. Embassy– Moscow, *unclassified telegram no. 15120*.

³⁶⁶⁹ U.S. Embassy– Moscow, *unclassified telegram no. 15215*. See also U.S. Embassy– Moscow, *unclassified telegram no. 15120*.

³⁶⁷⁰ The program also aims to improve children’s health and prevent juvenile crime. See U.S. Embassy– Moscow, *unclassified telegram no. 15215*.

³⁶⁷¹ The Ministry of Labor estimates, however, that thousands more centers are necessary to meet the demand for services. See U.S. Embassy– Moscow, *unclassified telegram no. 15120*.

³⁶⁷² U.S. Embassy– Moscow, *unclassified telegram no. 15215*.

The government has developed a National Plan of Action on children's rights,³⁶⁷³ and has a federal commission headed by the Minister of Labor and Social Development that focuses on child labor and education issues.³⁶⁷⁴ Some regional governments, particularly Samara and Novgorod, have given priority to providing assistance to abandoned children, while other regions, such as Primorskiy Kray, have chronically under-funded children's programs.³⁶⁷⁵ The government has engaged in various awareness-raising efforts on the problem of trafficking,³⁶⁷⁶ and has begun a project to develop a regional commission against trafficking and to establish a center to assist victims.³⁶⁷⁷

In 1997, the World Bank provided a loan to the Russian government for a 7-year project to improve the quality of social science education, strengthen school management, and increase textbook quality and availability in secondary schools.³⁶⁷⁸ 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.³⁶⁷⁹

Incidence and Nature of Child Labor

Recent statistics on the number of working children under the age of 15 in Russia are unavailable. Reports indicate, however, that child labor is a problem in the informal sector.³⁶⁸⁰ The breakup of the Soviet Union and the transition to a market economy have increased poverty levels in Russia, and in 2002, the World Bank reported that children had a higher poverty rate than the population as a whole.³⁶⁸¹ Economic downturn, the deterioration of social services, and the erosion of family protections have led to an increase in the number of street children in the country.³⁶⁸² 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.³⁶⁸³ Experts surveyed by ILO-IPEC in 2001 generally agreed that

³⁶⁷³ Deputy Prime Minister and Head of the Delegation of the Russian Federation, Valentina Matvienko, Statement at the United Nations Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/russiaE.htm>.

³⁶⁷⁴ In addition to government efforts to assist children at risk of working or living on the street, USAID is working with international and local NGOs on an "Assistance to Russian Orphans" project that seeks to prevent child abandonment, promote policy change and increase public awareness on the problems of orphans. See U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁶⁷⁵ U.S. Embassy- Moscow, *unclassified telegram no. 15120*.

³⁶⁷⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Russia*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

³⁶⁷⁷ U.S. Embassy- Helsinki, *unclassified telegram no. 769*, June 13, 2003.

³⁶⁷⁸ The project also provides assistance to universities. See World Bank, *Education Innovation Project*, [online] November 5, 2003 [cited November 5, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P008825>.

³⁶⁷⁹ World Bank, *Education Reform Project*, project appraisal document, Washington, D.C., April 30, 2001, 4; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050474>.

³⁶⁸⁰ See also ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 36. See also U.S. Embassy- Moscow, *unclassified telegram no. 15120*.

³⁶⁸¹ World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy of the World Bank Group for the Russian Federation*, Report No: 24127-RU, Washington, D.C., May 14, 2002, 1, 3; available from [http://www.worldbank.org.ru/ECA/Russia.nsf/ECADocByUnid/B38DE4AEF2AEB41EC3256CB50033CC73/\\$FILE/Russia%20CAS%2024127-RU.pdf](http://www.worldbank.org.ru/ECA/Russia.nsf/ECADocByUnid/B38DE4AEF2AEB41EC3256CB50033CC73/$FILE/Russia%20CAS%2024127-RU.pdf).

³⁶⁸² U.S. Department of State, *Country Reports- 2002: Russia*, Section 6d. See also ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 17. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Russian Federation*, CRC/C/15/Add.110, United Nations, Geneva, November 1999, para. 12; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f60a0928c30f787980256811003b8d5d?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f60a0928c30f787980256811003b8d5d?Opendocument).

³⁶⁸³ World Bank, *Memorandum of the President*, 4. See also U.S. Department of State, *Country Reports- 2002: Russia*, 1745-52, Section 5, which estimates that 50,000 children a year run away from home.

there were between 30,000 and 50,000 street children in Moscow.³⁶⁸⁴ Children work in informal retail services, perform apprenticeships in small shops, sell goods on the street, wash cars, deliver goods, and collect trash.³⁶⁸⁵

Children in Russia are engaged in prostitution³⁶⁸⁶ and pornography.³⁶⁸⁷ Children are trafficked for sexual exploitation from Russia to various countries, including China,³⁶⁸⁸ and are trafficked internally generally from rural to urban areas.³⁶⁸⁹ There are reports that rebel forces in Chechnya recruit and use child soldiers.³⁶⁹⁰

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.³⁶⁹¹ Most families pay additional fees for books and school supplies.³⁶⁹² There are no primary school enrollment or attendance rates available for Russia.³⁶⁹³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for regular employment at 16 years,³⁶⁹⁴ and regulates the working conditions of children under 18, including bans on overtime, hazardous work, and night work.³⁶⁹⁵ Children may work at ages 14 and 15 with parental approval, as long as such work does not threaten their health and welfare.³⁶⁹⁶ The Constitution prohibits forced labor.³⁶⁹⁷ Articles 132- 135 of the Criminal Code prohibit forcing a minor under the age of 14 to engage in sex or any acts of perversion, while Article 151 of the Code prohibits involvement of a minor in prostitution.³⁶⁹⁸ Although there are no specific legal provisions concerning child pornography,³⁶⁹⁹ Article

³⁶⁸⁴ ILO-IPEC, *Analysis of the Situation of Working Street Children in Moscow*, 21.

³⁶⁸⁵ *Ibid.*, 36.

³⁶⁸⁶ Donna M. Hughes, *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, No. 7, IOM, Geneva, June 2002, 17; available from <http://www.iom.int/documents/publication/en/mrs%5F7%5F2002.pdf>. See also U.S. Department of State, *Country Reports- 2002: Russia*, Section 6d and 6f.

³⁶⁸⁷ U.S. Department of State, *Country Reports- 2002: Russia*, Section 6f. See also Hughes, *Trafficking for Sexual Exploitation*, 24.

³⁶⁸⁸ U.S. Department of State, *Trafficking in Persons Report- Russia*. See also U.S. Department of State, *Country Reports- 2002: Russia*, Section 6f.

³⁶⁸⁹ Hughes, *Trafficking for Sexual Exploitation*, 17. See also U.S. Department of State, *Trafficking in Persons Report- Russia*.

³⁶⁹⁰ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, London, November 2002, 76; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 56.

³⁶⁹¹ Although no law exists to make education compulsory, the Constitution holds parents responsible for ensuring their children receive basic education. See U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁶⁹² *Ibid.*

³⁶⁹³ Overall school enrollment is reportedly high, but truancy is a growing problem in poorer regions of the country. See *Ibid.*

³⁶⁹⁴ *Labor Code*, (February 1, 2002), Article 63.

³⁶⁹⁵ U.S. Department of State, *Country Reports- 2002: Russia*, Section 6d. The new labor code came into force on February 1, 2002. See U.S. Department of State official, electronic communication to USDOL official, November 29, 2002.

³⁶⁹⁶ U.S. Department of State, *Country Reports- 2002: Russia*, Section 6d.

³⁶⁹⁷ *Constitution of the Russian Federation*, Article 37; available from <http://www.friends-partners.org/oldfriends/constitution/russian-const-ch2.html>.

³⁶⁹⁸ U.S. Department of State official, electronic communication to USDOL official, October 19, 2003. See also U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁶⁹⁹ Government of Russia, *National Laws, Legislation of Interpol member states on sexual offences against children: Russia*, Interpol, [database online] [cited August 21, 2003]; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/csaRussia.asp>. The Criminal Code does prohibit unlawful preparation of pornography for distribution. See Article 242 as cited in Government of Russia, *National Laws, Legislation of Interpol members*.

135 has been used to prosecute child pornographers.³⁷⁰⁰ There are no laws specifically prohibiting trafficking in persons,³⁷⁰¹ although articles of the Criminal Code may be used to prosecute traffickers.³⁷⁰²

The Ministry of Labor and Social Development and the Ministry of Interior are responsible for the enforcement of child labor laws, but fail to do so effectively.³⁷⁰³ The Ministry of Labor reported that 12,000 child labor violations were registered in 2001,³⁷⁰⁴ and that 36 children died in work-related accidents in 2002.³⁷⁰⁵ The government has successfully prosecuted criminals engaged in the production and distribution of child pornography.³⁷⁰⁶ Furthermore, the police attempt to address the issue of street children. In 2001, for example, 253,000 parents were cited for leaving children unsupervised. Some of these children were returned to their families and provided assistance from social workers, while in other cases parents were denied custody or criminal charges were filed against parents.³⁷⁰⁷

The Government of Russia ratified ILO Convention 138 on May 3, 1979, and ILO Convention 182 on March 25, 2003.³⁷⁰⁸

³⁷⁰⁰ U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁷⁰¹ Hughes, *Trafficking for Sexual Exploitation*, 24. See also U.S. Department of State, *Country Reports- 2002: Russia*, Section 6f.

³⁷⁰² U.S. Embassy- Moscow, *unclassified telegram no. 15215*.

³⁷⁰³ U.S. Department of State, *Country Reports- 2002: Russia*, Section 6d.

³⁷⁰⁴ *Ibid.*

³⁷⁰⁵ U.S. Embassy- Moscow, *unclassified telegram no. 15120*.

³⁷⁰⁶ The U.S. Department of State provided assistance in these efforts. See *Ibid.*

³⁷⁰⁷ *Ibid.*

³⁷⁰⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 30, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Rwanda is an associated country with ILO-IPEC,³⁷⁰⁹ and is one of seven countries participating in a USDOL-funded ILO-IPEC program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers.³⁷¹⁰ In August 2001, UNICEF, along with the International Committee for the Red Cross, the World Food Program, 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, which now also serves street children.³⁷¹¹ The Ministry for Local Administration, Information and Social Affairs has opened safe houses for street children in each of the 12 provinces.³⁷¹² The government is also in the process of training its soldiers on child rights, and assists street children to receive vocational education.³⁷¹³ The government has established a list of the worst forms of child labor in Rwanda, and UNICEF is working with the government to address some of these worst forms.³⁷¹⁴

In April 2003, the government effectively eliminated primary school fees by agreeing to provide grants to all primary schools.³⁷¹⁵ However, by year's end, only some districts had benefited from these grants.³⁷¹⁶ In 2000, Rwanda's Ministry of Education, in conjunction with the World Bank, initiated a 6-year, USD 35 million program to build capacity in the education sector.³⁷¹⁷ The program includes school construction and components designed to increase access to primary schools, enhance the quality of education, improve teacher training and curriculum development, provide more textbooks, and strengthen the administration of and community involvement in the educational system.³⁷¹⁸ Since 1999, USAID has supported Rwandan girls to continue their secondary school education through the Ambassador's Girls Scholarship Program.³⁷¹⁹ UNICEF, in cooperation with other donors, is supporting the establishment of the government's National Education Statistical Information System, which will

³⁷⁰⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [cited June 26, 2003]; available from http://www.ilo.org/public/english/standards/ipcc/about/countries/t_country.htm.

³⁷¹⁰ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: an Inter-Regional Program*, project document, INT/03/P52/USA, Geneva, September 30, 2003.

³⁷¹¹ U.S. Embassy- Kigali, *unclassified telegram no. 1473*, August 14, 2003. See also UNICEF, *Hundreds of Ex-Child Soldiers Begin Rehabilitation in Rwanda- Newly Demobilized Children Get Trauma Counseling While Families Are Traced*, August 20, 2001; available from http://www.hri.ca/children/conflict/rwanda_200801.htm.

³⁷¹² U.S. Embassy- Kigali, *unclassified telegram no. 1473*.

³⁷¹³ U.S. Department of State, *Trafficking in Persons Report 2003- Rwanda*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#rwanda>. In 2001 UNICEF cooperated with government ministries to raise awareness among authorities and parents about the hazards that street children face. See Integrated Regional Information Networks, "Rwanda: UNICEF government launch sensitisation drive on street children", IRINnews.org, [online], November 5, 2001 [cited June 12, 2003]; available from http://www.irinnews.org/report.asp?ReportID=12806&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

³⁷¹⁴ This is a requirement upon ratification of ILO Convention 182. The list includes domestic work outside the family; agricultural work on specified plantations; work in brickyards and quarries; stone crushing; and commercial sex. The list is contained in the 2003 Plan of Action Report by the Ministry of Labor and Public Service. See U.S. Embassy- Kigali, *unclassified telegram no. 1473*.

³⁷¹⁵ This fulfills stipulations in the Law Relating to Rights and Protection of the Child Against Violence of 2001, which made primary schooling compulsory and free. See *Ibid*.

³⁷¹⁶ U.S. Department of State, electronic communication to USDOL official, February 24, 2004.

³⁷¹⁷ World Bank, *Human Resource Development Project*, [online] November 5, 2003 [cited November 5, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P045091>.

³⁷¹⁸ World Bank, *Rwanda- Human Resources Development Project*, project appraisal document, no. PID8038, Washington, D.C., November 1, 1999; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P045091>.

³⁷¹⁹ USAID, *The EDDI-funded Ambassador's Girls Scholarship Program is Making an Impact in Rwanda*, October 3, 2002 [cited June 25, 2003]; available from <http://www.usaid.gov/regions/afr/ss02/rwanda3.html>.

facilitate data collection. UNICEF also works to facilitate achievement of universal quality primary education, and has established a national Education For All committee that has taken up the issue of girls' education.³⁷²⁰ The British Department for International Development also supports teacher training by the Kigali Institute of Education for Distance Learning.³⁷²¹ The World Food Program, in collaboration with the Ministry of Gender and Family Promotion, supported children in 200 schools in five provinces by providing food for them at school.³⁷²²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 41.3 percent of children ages 10 to 14 years in Rwanda were working.³⁷²³ Most children work in the agricultural sector.³⁷²⁴ Many Rwandan children are particularly vulnerable to exploitation because they either live in child-headed households or live on the streets. UNICEF utilizes estimates of 300,000 children living in 65,000 child-headed households, and an additional 7,000 street children in Rwanda.³⁷²⁵ Both children in child-headed households, and children living on the streets tend to lack access to education and basic health care, and households headed by girls are even more vulnerable.³⁷²⁶ Street children often participate in the informal economy as garbage collectors, vendors, or porters.³⁷²⁷ Children are exploited as domestic workers, and often cannot attend school.³⁷²⁸

Commercial sexual exploitation of children is also a problem. A study by the Ministry of Labor and UNICEF estimated that 2,140 children are engaged in prostitution in urban areas.³⁷²⁹ Children are trafficked internally in small numbers for the purposes of commercial sexual exploitation or labor.³⁷³⁰ While the Government of Rwanda no longer recruits children for the official Rwanda Defense Forces (RDF, formerly the Rwanda Patriotic Army, or RPA), Rwandan children had been deployed as soldiers in several regional conflicts under the RPA, volunteer ci-

³⁷²⁰ UNICEF, *At a glance: Rwanda, the big picture*, July 24, 2003 [cited July 24, 2003]; available from <http://www.unicef.org/infobycountry/rwanda.html>.

³⁷²¹ Integrated Regional Information Networks, "Rwanda: Education Sector Receives US \$3 million from Britain", IRINnews.org, [online], October 3, 2001 [cited June 12, 2003]; available from http://www.irinnews.org/report.asp?ReportID=11953&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

³⁷²² U.S. Department of State, electronic communication, February 24, 2004.

³⁷²³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. A joint study by UNICEF and the Ministry of Labor and Civil Service (MIFOTRA) estimated that 340,761 children ages 5 to 18 are engaged in hazardous labor. See U.S. Embassy- Kigali, *unclassified telegram no. 1473*.

³⁷²⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Rwanda*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18221.htm>.

³⁷²⁵ Integrated Regional Information Networks, "Rwanda: Interview with UNICEF representative Theophane Nikyema", IRINnews.org, [online], June 10, 2002 [cited June 12, 2003]; available from http://www.irinnews.org/report.asp?ReportID=28223&SelectRegion=Great_Lakes&SelectCountry=RWANDA. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Rwanda*. A 2001 study by the Agency for Cooperation and Research in Development obtained a higher estimate of about 227,500 child-headed households across the country. Many of these children were orphaned by HIV/AIDS, or lost their parents during the genocide. See Human Rights Watch, *Rwanda - Lasting Wounds: Consequences of Genocide and War for Rwanda's Children*, Vol. 15, No. 6, New York, March 2003, 44-48; available from <http://www.hrw.org>.

³⁷²⁶ Human Rights Watch, *Lasting Wounds*, 44-48.

³⁷²⁷ *Ibid.*, 62-64.

³⁷²⁸ Some of these children were taken in by foster families, and given room and board but expected to perform domestic labor for the family. *Ibid.*, 49-50.

³⁷²⁹ Integrated Regional Information Networks, "Rwanda: Interview". Although the ages of these children are not known, the total population of children ages 10 to 14 in Rwanda in 2001 (the year the above statistic was collected) was slightly greater than 1,010,500. See U.S. Bureau of the Census, *International Data Base*, [database online] 2003 [cited December 23, 2003].

³⁷³⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Rwanda*. See also U.S. Department of State, electronic communication, February 24, 2004.

vilian militias called the Local Defense Forces, and armed groups opposing the Government of Rwanda.³⁷³¹ Since Rwanda's official withdrawal from the conflict in the Democratic Republic of the Congo (DRC) in October 2002, Rwanda-supported rebel groups engaged in combat against the Governments of the DRC and Burundi have continued to recruit child soldiers.³⁷³² Children have also been abducted by Rwandan-supported Congolese militia to serve as combatants, perform forced labor, or for sexual exploitation.³⁷³³

Primary education in Rwanda is compulsory from the ages of 7 to 12 years.³⁷³⁴ Although the government announced in 2003 that primary school would be free, many families had to pay fees to enroll their children in school. These fees are waived for orphans, however.³⁷³⁵ Additional costs include purchasing uniforms, school supplies, and possible contributions to the school to cover repairs or teachers' expenses.³⁷³⁶ In 2000, the gross primary enrollment rate was 118.6 percent, and the 1999 net primary enrollment rate was 97.3 percent.³⁷³⁷ Primary school attendance rates are unavailable for Rwanda. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁷³⁸ According to UNICEF, access to quality, equitable education is either limited or non-existent for a number of Rwanda's children.³⁷³⁹ 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.³⁷⁴⁰ In 2001, of the children who enter the first grade, 75.5 percent were reported to reach the fifth grade. There is a high dropout and repetition rate among primary school children.³⁷⁴¹ Very few Rwandan children enroll in secondary school.³⁷⁴² 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.³⁷⁴³

³⁷³¹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, November 2002; available from http://www.child-soldiers.org/cs/childsoldiers.nsf/displaysmessage/CSC_Publications?OpenDocument. See also Coalition to Stop the Use of Child Soldiers, "Rwanda," in *Global Report 2001*, London, May 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>. The rebel Rwandan Liberation Army reportedly had several hundred child soldiers in their ranks, some of whom served in combat. See Human Rights Watch, "Rwanda: Human Rights Developments," in *World Report 2002*, 2002; available from <http://www.hrw.org/wr2k2/africa9.html#developments>. See also U.S. Department of State, electronic communication, February 24, 2004.

³⁷³² U.S. Department of State, electronic communication, February 24, 2004.

³⁷³³ U.S. Department of State, *Trafficking in Persons Report- 2003: Rwanda*. See also Human Rights Watch, "World Report 2002: Rwanda." There are also allegations of forced labor in mining in the DRC by the Rwandan army in some provinces, though the ages of the laborers are not specified. See U.S. Department of State, *Country Reports- 2002: Rwanda*, Section 6f. See also U.S. Department of State, electronic communication, February 24, 2004.

³⁷³⁴ Government of Rwanda: Ministry of Finance and Economic Planning, *Enquete à Indicateurs Multiples (MICS2) Rapport Preliminaire: Rwanda*, Kigali, January 11, 2001, 8.

³⁷³⁵ U.S. Department of State, *Country Reports- 2002: Rwanda*, Section 5. See also U.S. Department of State, electronic communication, February 24, 2004.

³⁷³⁶ Human Rights Watch, *Lasting Wounds*, 51.

³⁷³⁷ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁷³⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁷³⁹ Integrated Regional Information Networks, "Rwanda: UNICEF Lays Out Humanitarian Action Plan For 2002", [online], November 29, 2001 [cited June 27, 2003]; available from http://www.irinnews.org/report.asp?ReportID=16535&SelectRegion=Great_Lakes&SelectCountry=RWANDA.

³⁷⁴⁰ U.S. Department of State, *Country Reports- 2002: Rwanda*, Section 5.

³⁷⁴¹ Government of Rwanda: Ministry of Finance and Economic Planning, *Enquete à Indicateurs Multiples (MICS2)*, 4, 8.

³⁷⁴² Human Rights Watch, *Lasting Wounds*, 50-51.

³⁷⁴³ 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 Labor Code establishes the minimum age of employment at 16 years.³⁷⁴⁴ However, the Minister of Labor can make exceptions for children aged 14 to 16, depending on the child's circumstances. Article 11 of the Labor Code also requires permission from someone with parental authority for children ages 14 to 16 to work. Children under 16 are prohibited from night work or any work deemed hazardous or difficult, as determined by the Minister of Labor.³⁷⁴⁵ Forced labor is prohibited by Article 4 of the Labor Code.³⁷⁴⁶ Under Article 374 of the Criminal Code, trafficking for the purposes of sexual exploitation is an aggravated offense, with a doubled penalty for delivering a minor into prostitution upon entering or exiting the country.³⁷⁴⁷ Law No. 27/2001, Relating to the Rights and Protection of the Child Against Violence, sets the legal age of military service at 18.³⁷⁴⁸ The Ministry of Public Service and Labor and the Ministry of Local Government do not effectively enforce child labor laws.³⁷⁴⁹

The Government of Rwanda ratified ILO Convention 138 on April 15, 1981, and ILO Convention 182 on May 23, 2000.³⁷⁵⁰

³⁷⁴⁴ Law No. 51/2001 *Establishing the Labour Code*, (December 12, 2001); available from www.rwandainvest.gov.rw/lawlab.htm.

³⁷⁴⁵ Night work is defined by Article 60 as work between 7 p.m. and 5 a.m.; children also must have a rest period of at least 12 hours between work engagements, per Article 63. See *Ibid.*, Articles 11, 60-66.

³⁷⁴⁶ *Ibid.*, Article 4.

³⁷⁴⁷ 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. See The Protection Project, "Rwanda," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from <http://209.190.246.239/ver2/cr/Rwanda.pdf>.

³⁷⁴⁸ The law was passed in April 2001, and entered into force in 2002. However, it apparently does not apply to government-organized civilian militia. See Human Rights Watch, *Lasting Wounds*, 16.

³⁷⁴⁹ U.S. Department of State, *Country Reports- 2002: Rwanda*, Section 6d.

³⁷⁵⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 4, 2003]; 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

In 1999, Government of St. Kitts and Nevis officials participated in the ILO Tripartite Meeting on the Worst Forms of Child Labor.³⁷⁵¹ 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.³⁷⁵² In 1998, a Teacher Resource Center was established, and primary school children now receive a hot lunch.³⁷⁵³ Also in 1998, public expenditures on primary education were 36.7 percent of total public expenditures on education and 1.7 percent of GNP.³⁷⁵⁴

Incidence and Nature of Child Labor

Statistics on the number of working children 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.³⁷⁵⁵ Children may also be involved in the distribution of drugs, pornography and prostitution.³⁷⁵⁶ As of 2002, no cases of forced or bonded child labor had been reported.³⁷⁵⁷

Education is free and compulsory between the ages of 5 and 16 years.³⁷⁵⁸ In 1997 to 1998, the gross primary enrollment rate was 97.6 percent, and the net primary enrollment was 88.6 percent.³⁷⁵⁹ 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.³⁷⁶⁰ 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 teaching methods that are exclusively exam oriented.³⁷⁶¹

Child Labor Laws and Enforcement

The 1966 Employment of Children Ordinance and the Employment of Women, Young Persons, and Children Act were both amended to set the minimum legal working age at 16 years.³⁷⁶² The Employment of Children Ordi-

³⁷⁵¹ U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*, September 2001.

³⁷⁵² 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; available from http://www2.unesco.org/wef/countryreports/st.kitts_nevis/contents.html.

³⁷⁵³ Ibid.

³⁷⁵⁴ Ibid.

³⁷⁵⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Saint Kitts and Nevis*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18343.htm>.

³⁷⁵⁶ U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*.

³⁷⁵⁷ U.S. Department of State, *Country Reports- 2002: St. Kitts and Nevis*, Section 6c.

³⁷⁵⁸ Government of Saint Kitts and Nevis, *The Education Act*, No. 18 of 1975, (July 31, 1975). See also U.S. Department of State, *Country Reports- 2002: St. Kitts and Nevis*, Section 5.

³⁷⁵⁹ UNESCO, *EFA Country Report: Saint Kitts and Nevis*.

³⁷⁶⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁷⁶¹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Saint Kitts and Nevis*, CRC/C/15/Add.104, Geneva, August 24, 1999, para. 28; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/b5d52fb968f8571a80256797004a6e81?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/b5d52fb968f8571a80256797004a6e81?OpenDocument).

³⁷⁶² U.S. Department of State, *Country Reports- 2002: St. Kitts and Nevis*, Section 6d.

nance also outlaws slavery, servitude and forced labor.³⁷⁶³ The Constitution prohibits slavery, servitude and forced labor.³⁷⁶⁴

The Department of Labor in St. Kitts and Nevis is responsible for investigating child labor complaints.³⁷⁶⁵ The Labor Ministry relies on school truancy officers and its community affairs division to monitor compliance with child labor provisions.³⁷⁶⁶

The Government of St. Kitts and Nevis has not ratified ILO Convention 138; it ratified ILO Convention 182 on October 12, 2000.³⁷⁶⁷

³⁷⁶³ Ibid.

³⁷⁶⁴ *Constitution of Saint Christopher and Nevis, 1983*, Article 6 (1), (2), (June 22, 1983); available from <http://www.georgetown.edu/pdba/Constitutions/Kitts/stkitts-nevis.html>.

³⁷⁶⁵ U.S. Embassy- Bridgetown, *unclassified telegram no. 1791*. See also U.S. Department of State, *Country Reports- 2002: St. Kitts and Nevis*, Section 6d.

³⁷⁶⁶ U.S. Department of State, *Country Reports- 2002: St. Kitts and Nevis*, Section 6d.

³⁷⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 13, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of St. Lucia has given high priority to bettering educational opportunities for its children and supports programs such as subsidized meals in a number of schools and building new schools.³⁷⁶⁸ 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.³⁷⁶⁹

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 harvest bananas on family farms. Children also work in urban food stalls and as street traders during non-school and festival days.³⁷⁷⁰ The sexual exploitation of children is a growing problem in Saint Lucia, but there is still very little information available on the issue.³⁷⁷¹

Education in St. Lucia is compulsory between the ages of 5 and 15 years, but registration fees are required.³⁷⁷² In 2000, the World Bank estimated that the gross primary school enrollment rate was 112.4 percent, and the net primary school enrollment was 99.9 percent.³⁷⁷³ 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.³⁷⁷⁴ Only about one-third of primary school children continue on to secondary school.³⁷⁷⁵

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,³⁷⁷⁶ and prohibits night work for children under 16 years.³⁷⁷⁷ The Education Act of 1999 sets the minimum age for employment at 16 years during the school year.³⁷⁷⁸ The Constitution prohibits slavery, servitude, or forced labor, except for labor required by law, court order, military service, or public emergency.³⁷⁷⁹ The Criminal Code bans the procurement of women and girls for prostitution, as well as the abduction

³⁷⁶⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Saint Lucia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/19170.htm>. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*, September 2001.

³⁷⁶⁹ World Bank, *Basic Education Reform Project*, [online], Washington, D.C.; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P038698>.

³⁷⁷⁰ U.S. Department of State, *Country Reports- 2002: Saint Lucia*, Section 6d.

³⁷⁷¹ Felicia Robinson, *Saint Lucia Report to the Regional Congress*, Ministry of Health, Human Services and Family Affairs and Gender Relations; available from http://www.iin.oea.org/ST_LUCIA_ing.PDF.

³⁷⁷² U.S. Department of State, *Country Reports- 2002: Saint Lucia*, Section 5.

³⁷⁷³ World Bank, *World Development Indicators 2003*, [CD-ROM], Washington, D.C., 2003.

³⁷⁷⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁷⁷⁵ U.S. Department of State, *Country Reports- 2002: Saint Lucia*, Section 5.

³⁷⁷⁶ 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 16 years. See *Ibid.*, Section 6d. ILO reports that the government has drafted legislation to increase the minimum age of employment to 15 years. See 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.

³⁷⁷⁷ *Employment of Women, Young Persons and Children Act*, 136.

³⁷⁷⁸ Government of Saint Lucia, *Education Act*, Articles 27 and 47.

³⁷⁷⁹ *Constitution of Saint Lucia, 1978*, (February 22, 1979), Section 4; available from <http://www.georgetown.edu/pdba/Constitutions/Lucia/Luc78.html>.

of any female for the purpose of forced sexual relations.³⁷⁸⁰ Procurement is punishable with imprisonment for 2 years, and abduction for the purpose of sexual relations is punishable with imprisonment for 14 years.³⁷⁸¹ There are no laws that specifically address trafficking in persons.³⁷⁸² Hazardous work is not defined in a single law, but is covered through a combination of legislation and regulations.³⁷⁸³ The penalties for violation of child labor laws do not exceed USD 200 or 3 months imprisonment.³⁷⁸⁴

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for implementing statutes on child labor. There were no reports of violations of child labor laws, or of trafficking in persons in 2001.³⁷⁸⁵

St. Lucia has not ratified ILO Convention 138, but ratified ILO Convention 182 on December 6, 2000.³⁷⁸⁶

³⁷⁸⁰ *Criminal Code*, as cited in The Protection Project Legal Library, [database online], Articles 103 and 225; available from <http://209.190.246.239/protectionproject/statutesPDF/St.Lucia.pdf>.

³⁷⁸¹ *Ibid.*, Articles 225 and 106.

³⁷⁸² U.S. Department of State, *Country Reports- 2002: Saint Lucia*, Section 6f.

³⁷⁸³ ILO, *Review of Annual Reports*, 25, para. 121.

³⁷⁸⁴ U.S. Embassy- Bridgetown, *unclassified telegram no. 1792*.

³⁷⁸⁵ U.S. Department of State, *Country Reports- 2002: Saint Lucia*, Sections 6d and 6f.

³⁷⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In 1998, the Government of Saint Vincent and the Grenadines, through its Department of Women's Affairs, produced and distributed a series of pamphlets to raise public awareness about the provisions of the Convention on the Rights of the Child.³⁷⁸⁷ The government has also established a program to reintegrate street children into their families.³⁷⁸⁸

The Government of Saint Vincent and the Grenadines is in the process of completing construction of primary and secondary schools, completing computerization of all learning institutions, expanding the vocational training program at the school for children with special needs, and constructing a national library and library facilities at one primary school.³⁷⁸⁹ The Ministry of Education, is participating in the implementation of the OECS Education Strategy, through which the OECS territories aim to improve their education systems. The government is also collaborating with UNICEF, UNESCO and other organizations to improve the level of educational services.³⁷⁹⁰ School textbook and feeding programs aim to improve the participation rate of children at the primary level.³⁷⁹¹ The government also sponsors a Youth Empowerment Program as a supplement to secondary school which consists of an apprenticeship program for young adults interested in learning a trade.³⁷⁹²

Incidence and Nature of Child Labor

Statistics on the number of working children in St. Vincent and the Grenadines are unavailable.³⁷⁹³ However, children are known to work on family-owned banana farms, mainly during harvest time, or in family-owned cottage industries.³⁷⁹⁴ Some children are known to work in marijuana fields.³⁷⁹⁵ Some parents have allowed their children, particularly adolescent girls, to become involved in commercial sexual exploitation in order to improve the economic situation of the family.³⁷⁹⁶ Street children, and boys in particular, have been found to engage in sexual practices for payment.³⁷⁹⁷ There were no official reports of people being trafficked in 2002.³⁷⁹⁸

³⁷⁸⁷ The Department of Women's Affairs is a branch of the Ministry of Education, Culture and Women's Affairs. See UN Committee on the Rights of the Child, *Consideration of Reports by States Parties: Summary record of the 797th Meeting*, Geneva, June 10, 2002, para. 24; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/39d61c982067b61ac1256bd8003b7fd?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/39d61c982067b61ac1256bd8003b7fd?Opendocument).

³⁷⁸⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.184, UN, Geneva, June 13, 2002, para. 46, 13; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d40d2e0630491d59c1256bd6004a471f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d40d2e0630491d59c1256bd6004a471f?Opendocument).

³⁷⁸⁹ Embassy of St. Vincent and the Grenadines, *Education*, [online] August 19, 2002 [cited June 3, 2003]; available from <http://www.embsvg.com/Education.htm>.

³⁷⁹⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties*, CRC/C/28/Add.18, UN, Geneva, October 10, 2001, para. 311; 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).

³⁷⁹¹ *Ibid.*, para. 350.

³⁷⁹² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Saint Vincent and the Grenadines*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18344.htm>.

³⁷⁹³ U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*, September 2001.

³⁷⁹⁴ U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6d.

³⁷⁹⁵ UN Committee on the Rights of the Child, *Summary Record of the 797th Meeting*, para. 65.

³⁷⁹⁶ U.S. Embassy- Bridgetown, electronic communication to USDOL official, February 21, 2004.

³⁷⁹⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, 70. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 48.

³⁷⁹⁸ U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6f.

Education at government primary schools is free,³⁷⁹⁹ and the government is committed to providing free education to all its children within the next decade.³⁸⁰⁰ Although the 1992 Education Act provides for compulsory education, it is not yet enforced.³⁸⁰¹ The government investigates cases in which children are withdrawn from school before the age of 16, but there is as much as 13 percent truancy among primary school children because of poverty, low quality of schools, and a perception that there are few jobs available after education is completed.³⁸⁰²

Entry into secondary school is dependent upon the student passing an examination. While most children complete primary school, there is a decrease in enrollment into secondary school as a result of the exams.³⁸⁰³ Some children who do not pass the exams drop out of school and end up working in the marijuana fields.³⁸⁰⁴ 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.³⁸⁰⁵ 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.³⁸⁰⁶

Child Labor Laws and Enforcement

The Employment of Women, Young Persons and Children's Act of 1990 sets the minimum age for basic employment at 16 years,³⁸⁰⁷ but since children often leave school at the age of 15, many begin work as apprentices at that age.³⁸⁰⁸ Any person who employs a child in an industrial undertaking is liable to a USD 100 fine for their first offense, and a USD 250 fine for each subsequent offense.³⁸⁰⁹ Forced or compulsory labor is prohibited by the constitution, and it is not known to occur.³⁸¹⁰

The Labor Inspectorate at the Department of Labor is authorized to investigate and address child labor legislation and conducts annual workplace inspections.³⁸¹¹ No violations have been reported, and employers are believed to generally respect the law in practice.³⁸¹²

³⁷⁹⁹ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 317.

³⁸⁰⁰ 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; available from <http://www.un.org/ga/children/stvgE.htm>.

³⁸⁰¹ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 313 - 15. See also UN Committee on the Rights of the Child, *Concluding Observations*, para. 42.

³⁸⁰² U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 5. See U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³⁸⁰³ UN Committee on the Rights of the Child, *Initial Reports of States Parties*, para. 318-22.

³⁸⁰⁴ UN Committee on the Rights of the Child, *Summary Record of the 797th Meeting*, para. 65.

³⁸⁰⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³⁸⁰⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁸⁰⁷ U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³⁸⁰⁸ U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6d.

³⁸⁰⁹ U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³⁸¹⁰ *Constitution of Saint Vincent and the Grenadines*, Article 4; available from <http://www.georgetown.edu/pdba/Constitutions/Vincent/stvincent79.html>. See also U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6c.

³⁸¹¹ U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6d. See also U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

³⁸¹² U.S. Embassy- Bridgetown, *unclassified telegram no. 1758*.

Although there are no laws that specifically address trafficking in persons, there are various laws that could be applied to trafficking in the country's Criminal Code.³⁸¹³ Causing or encouraging prostitution of girls under the age of 15 is prohibited by the Criminal Code and is punishable with imprisonment for seven years.³⁸¹⁴ It is also illegal to have intercourse with a girl under the age of 15 years.³⁸¹⁵ Kidnapping and abduction with the intent to take the person out of St.Vincent and the Grenadines are offenses punishable with 14 years of imprisonment.³⁸¹⁶

The Government of St.Vincent and the Grenadines has not ratified ILO Convention 138 but ratified ILO Convention 182 on December 4, 2001.³⁸¹⁷

³⁸¹³ U.S. Department of State, *Country Reports- 2003: Saint Vincent and the Grenadines*, Section 6f. See also Government of Saint Vincent and the Grenadines, *Criminal Code*, as cited in The Protection Project Legal Library; available from <http://209.190.246.239/protectionproject/statutesPDF/St.Vincent&GrenEpdf>.

³⁸¹⁴ *Criminal Code*, Article 130.

³⁸¹⁵ Sexual intercourse with a girl under 13 years of age is an offense and punishable with imprisonment for life. Sexual intercourse with a girl above the age of 13 but below the age of 15 is punishable with imprisonment for 5 years. Ibid., Articles 124 and 25.

³⁸¹⁶ Ibid., Article 201.

³⁸¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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 prioritizes education and training, employment, and youth justice.³⁸¹⁸ In September 2000, the ADB approved a loan for USD 7 million to finance an Education Sector Project in Samoa.³⁸¹⁹ The objectives of this project are to rehabilitate and expand 25 to 30 schools, develop curriculum, improve teachers' skills and reform the public education management system.³⁸²⁰ Various government agencies, the Samoan teachers' association, tourism sector businesses, and NGOs formed an action group on the commercial sexual exploitation of children in 1998.³⁸²¹

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 in the sale of agricultural products at roadside stands.³⁸²² Children are also reported to work selling goods and food on the streets of the capital city of Apia.³⁸²³ There are no reports of bonded labor by children, but some children are forced by family heads to work for their village, most frequently on village farms.³⁸²⁴ There is no reliable information on the commercial sexual exploitation of children in Samoa.

Education in Samoa is free and compulsory through 14 years of age.³⁸²⁵ It is reported that education requirements are rarely enforced in rural areas.³⁸²⁶ In 2000, the gross primary enrollment rate was 102.9 percent, and the net primary enrollment rate was 97.0 percent.³⁸²⁷ 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.³⁸²⁸ In 1999, 84.4 percent of children enrolled in primary school reached grade 5.³⁸²⁹

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.³⁸³⁰ A child under the age of 15 is not permitted to work with dangerous machinery; under condi-

³⁸¹⁸ UN, *Youth at the United Nations: Country Profiles on the Situation of Youth: Samoa*, [online] 2002 [cited July 15, 2003]; available from <http://esa.un.org/socdev/nyin/country4.asp?countrycode=ws>.

³⁸¹⁹ ADB, *Giving Children of Samoa a Better Education*, September 5, 2000; available from <http://www.adb.org/Documents/News/2000/nr2000085.asp>.

³⁸²⁰ Ibid.

³⁸²¹ ECPAT International, *Samoa*, in ECPAT International, [database online] 2002 [cited July 14, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁸²² U.S. Embassy–Apia, *unclassified telegram no. 0195*, October 2001.

³⁸²³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Samoa*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18262.htm>.

³⁸²⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Samoa*, Washington, D.C., March 4, 2002; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8373.htm>.

³⁸²⁵ U.S. Embassy–Apia official, electronic communication to USDOL official, February 24, 2004.

³⁸²⁶ U.S. Embassy–Apia, *unclassified telegram no. 0195*.

³⁸²⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁸²⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁸²⁹ UNESCO, *Education for All 2000 Assessment: Country Reports- Samoa*, prepared by Mrs. Doreen Roebeck Department of Education, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/samoa/contents.html>.

³⁸³⁰ Government of Samoa, *Labour and Employment Act*, (1972); available from http://mouse.vanuatu.usp.ac.fj/ws/legis/consol_act/laea1972228/.

tions 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.³⁸³¹ The Constitution prohibits forced or bonded labor.³⁸³² 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.³⁸³³

The Criminal Code makes prostitution and the procurement of women and girls illegal in Samoa.³⁸³⁴ 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.³⁸³⁵ In addition, it is against the law to abduct any child under the age of 16 years, and to detain or take away any woman or girl with intent to cause her to have sexual intercourse with any other person.³⁸³⁶ The Commissioner of Labor is responsible for addressing complaints about illegal child labor.³⁸³⁷ These complaints are referred to the Attorney General for enforcement.³⁸³⁸

The Government of Samoa is not a member of the ILO and therefore is not eligible to ratify ILO Conventions pertaining to child labor.³⁸³⁹

³⁸³¹ Ibid.

³⁸³² *Constitution of the Independent State of Western Samoa*, (May 1, 1920); available from http://mouse.vanuatu.usp.ac.fj/ws/legis/consol_act/tcotisows565/.

³⁸³³ Ibid., Section 8(2)d.

³⁸³⁴ 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*, (January 1, 1961), Articles 58 K-M available from http://www.vanuatu.usp.ac.fj/paclawmat/Samoa_legislation/1961/Crimes.html.

³⁸³⁵ Ibid., Article 83 A.

³⁸³⁶ The crime is punishable by up to seven years imprisonment. See Ibid., Articles 83 and 83 B.

³⁸³⁷ U.S. Department of State, *Country Reports- 2002: Samoa*, Section 6d.

³⁸³⁸ No cases were prosecuted during 2002. See Ibid.

³⁸³⁹ 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's Ministry of Education has created a program where fifth through eighth graders have access to agricultural training programs.³⁸⁴⁰ The government is also working with the IMF, the World Bank and other organizations to improve equal access in the educational system and to enhance the quality of education.³⁸⁴¹ Through the program, primary schooling will be extended to the fifth and sixth grades (or 6 years) instead of ending at the fourth grade, and the quality of secondary education will be improved. In addition, the government is working to encourage enrollment for all children (particularly girls and children in disadvantaged areas); reduce repetition and dropout rates at the primary level; renovate existing schools and constructing new ones; encourage community participation; provide teacher training for primary and secondary teachers; provide materials to the most disadvantaged children; and strengthen institutional and managerial capacities in the field of education.³⁸⁴² The Government of São Tomé and Príncipe is also working under UNESCO's Education for All Initiative to strengthen its teacher-training program and to provide training for primary school inspectors,³⁸⁴³ and is planning to use oil money from offshore reserves to improve education and health in the country.³⁸⁴⁴

World Food Program began a 4-year program in 2000 to provide a midday meal to over 30,000 children in primary schools and kindergartens to alleviate short-term hunger and maintain attendance rates.³⁸⁴⁵ 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.³⁸⁴⁶ The program includes building new primary school classrooms, strengthening teacher-training programs and providing additional school materials. In 1999, the government began a program which trains girls in life skills and languages with help from UNICEF.³⁸⁴⁷ Also in 1999, UNICEF carried out an initial rapid assessment on working children in A. Grande and Caue.³⁸⁴⁸

³⁸⁴⁰ 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, 7; available from http://www2.unesco.org/wef/countryreports/saotome_principe/contents.html.

³⁸⁴¹ The government intended to increase the gross primary school enrollment rate from 70 percent in 1999 to 90 percent by 2002, but no updated data is available. The longer-term goal of the government is to achieve universal enrollment by 2005. See World Bank, *Interim Poverty Reduction Strategy Paper for 2000-02*, Washington, D.C., April 6, 2000, para. 35 and 42; available from <http://poverty.worldbank.org/files/sao%20tome%20principe%20iprsp.pdf>.

³⁸⁴² 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. 35-37. See also International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries (HIPC) Initiative- Decision Point Document*, December 5, 2000, 13 and 14; available from <http://www.imf.org/external/np/hipc/2000/stp/stpdp.pdf>. See also World Bank, *São Tomé and Príncipe- Social Sector Support Project*, no. PID11127, Washington, D.C., 2002 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19//000094946_02041804135555/Rendered/PDF/multi0page.pdf.

³⁸⁴³ UNESCO, *EFA 2000 Report: São Tomé and Príncipe*, Part II, Analytical Section, 8.

³⁸⁴⁴ Integrated Regional Information Networks, "São Tomé and Príncipe: Oil Money for Health and Education", IRINnews.org, [online], June 2, 2003 [cited June 23, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=34461>.

³⁸⁴⁵ WFP, *Projected 2003 Needs for WFP Projects and Operations: Country Brief: São Tomé and Príncipe*, 2003; available from http://www.wfp.org/country_brief/index.asp?country=678.

³⁸⁴⁶ UNICEF, *Education Programme*, [online] 2000 [cited June 24, 2003]; available from <http://www.unicef.org/saotome/educatio.htm>.

³⁸⁴⁷ Ibid.

³⁸⁴⁸ UNICEF, *UNICEF Publications in São Tomé and Príncipe*, 2000 [cited June 26, 2003]; available from <http://www.unicef.org/saotome/publicati.htm>.

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 19 percent of children ages 5 to 14 years in São Tomé and Príncipe were working; of those, approximately 2 percent were paid laborers, and another 6 percent participated in unremunerated work.³⁸⁴⁹ Almost 5 percent of the working children within this age group perform domestic work for 4 or more hours per day,³⁸⁵⁰ which may include carrying out domestic tasks such as cooking, collecting water and watching younger siblings for more than 4 hours per day.³⁸⁵¹ 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).³⁸⁵² Sometimes from an early age, children reportedly work in subsistence agriculture, on plantations, and in informal commerce.³⁸⁵³ Children also work in auto mechanic shops, and in cabinetry and tailoring.³⁸⁵⁴ Although education is compulsory through the sixth grade, many children work in the absence of available education beyond the fourth grade.³⁸⁵⁵ 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.³⁸⁵⁶

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, whichever comes first, is not free.³⁸⁵⁷ In 1999, the gross primary enrollment rate was 70 percent.³⁸⁵⁸ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁸⁵⁹ Children in primary schools had a repetition rate of 31 percent and a dropout rate of 34 percent.³⁸⁶⁰

Class time is insufficient because of a triple shift system, which designates four hours for class time, so students attend between two and three hours of class time per day.³⁸⁶¹ In addition, the proportion of qualified primary

³⁸⁴⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of São Tomé and Príncipe, *Multiple Indicator Cluster Survey (MICS) 2000 - São Tomé and Príncipe*, UNICEF, 2000, 64; available from <http://www.childinfo.org/MICS2/newreports/saotome/STPtables.pdf>.

³⁸⁵⁰ Ibid.

³⁸⁵¹ Government of São Tomé and Príncipe, *Enquête de grappes à indicateurs multiples MICS: Rapport d'analyse*, UNICEF, July 14, 2000, 9; available from <http://www.childinfo.org/MICS2/newreports/saotome/SaoTome&Principe.PDF>.

³⁸⁵² Ibid.

³⁸⁵³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: São Tomé and Príncipe*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18222.htm>.

³⁸⁵⁴ Ambrósio Quaresma, *Unicef quer conhecer a realidade de mão de obra infantil em S. Tomé e Príncipe*, UNICEF, [online] [cited June 24, 2003]; available from <http://www.unicef.org/saotome/trabalho.htm>.

³⁸⁵⁵ UNICEF, *Education Programme*.

³⁸⁵⁶ ECPAT International, *São Tomé and Príncipe*, in ECPAT International, [database online] 2002 [cited June 26, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁸⁵⁷ U.S. Department of State, *Country Reports- 2002: São Tomé and Príncipe*, Section 5.

³⁸⁵⁸ International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries*, 11. See also World Bank, *Sao Tome and Principe at a Glance*, September 23, 2002; available from http://www.worldbank.org/data/countrydata/aag/stp_aag.pdf.

³⁸⁵⁹ For a more detailed discussion of the relationship between education statistics and work, see the preface to this report.

³⁸⁶⁰ International Monetary Fund and International Development Association, *São Tomé and Príncipe: Enhanced Heavily Indebted Poor Countries*, 11, 12.

³⁸⁶¹ World Bank, *São Tomé and Príncipe- Social Sector Support*, 2.

school teachers is declining.³⁸⁶² 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.³⁸⁶³ Although access to the first year of school is universal, 78 percent of children who enter first grade reach fourth grade and 52 percent reach eighth grade.³⁸⁶⁴ There is also a lack of coordination among government ministries on education issues³⁸⁶⁵ and a lack of domestic financing for the school system, leaving the system highly dependent on foreign financing.³⁸⁶⁶

Child Labor Laws and Enforcement

The minimum age for admission to employment as established by national legislation is 14 years, or 18 years for dangerous jobs and jobs requiring heavy manual labor.³⁸⁶⁷ 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.³⁸⁶⁸ It is illegal for children under 18 years to work at night, except with permission from the Labor Ministry, or to work more than 7 hours per day and 35 hours per week.³⁸⁶⁹ The Ministry of Justice and Labor is responsible for enforcing labor laws.³⁸⁷⁰ The Penal Code addresses the commercial sexual exploitation of children although there have been few prosecutions.³⁸⁷¹ Forced and bonded labor, including by children, is prohibited and not known to exist.³⁸⁷²

The Government of São Tomé and Príncipe has not ratified either ILO Convention 138 or ILO Convention 182.³⁸⁷³

³⁸⁶² From 48.8 percent in 1999-2000 to 44.7 percent in 2000-2001. See Ibid.

³⁸⁶³ United Nations House, *São Tomé and Príncipe: Common Country Assessment*, [cited June 25, 2003]; available from <http://www.uns.st/uns/Summary.html>.

³⁸⁶⁴ World Bank, *São Tomé and Príncipe- Social Sector Support*, 2.

³⁸⁶⁵ UNESCO, *EFA 2000 Report: São Tomé and Príncipe*.

³⁸⁶⁶ United Nations House, *São Tomé e Príncipe: Common Country Assessment*.

³⁸⁶⁷ U.S. Department of State, *Country Reports- 2002: São Tomé and Príncipe*, Section 6d. See also 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.

³⁸⁶⁸ ILO, *Review of Annual Reports*, Part II.

³⁸⁶⁹ Ministère des Affaires Étrangères et de la Coopération, *Rapport Initial sur l'Application de la Convention sur les Droits de l'Enfant*, July, 2001, 16, 48.

³⁸⁷⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: São Tomé and Príncipe*, Washington, D.C., March 4, 2002, Sections 6d and 6e; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8399.htm>.

³⁸⁷¹ ECPAT International, *São Tomé and Príncipe*.

³⁸⁷² U.S. Department of State, *Country Reports- 2002: São Tomé and Príncipe*, Section 6c.

³⁸⁷³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 23, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Senegal became a member of ILO-IPEC in 1997.³⁸⁷⁴ In the next year, the government launched the implementation of the national plan to eliminate child labor with assistance from ILO-IPEC.³⁸⁷⁵ The program works to strengthen national capacity, raise awareness, and improve national formal and non-formal education opportunities, social and legal protection for children, and working and living conditions.³⁸⁷⁶ Through ILO-IPEC, the government will begin implementation of a Time-Bound Program in 2004 that will focus on child begging, employment of girls in domestic service, and dangerous work in farming and fishing.³⁸⁷⁷

In 2002, the Government of Senegal, in cooperation with the Government of Italy and UNICEF, launched a 4-year program to support efforts to withdraw children in Senegal from the worst forms of child labor, including child begging, child domestic work, and the sexual exploitation of children.³⁸⁷⁸ The government also cooperates with UNICEF to build government and civil society capacity to protect children in need of special protection.³⁸⁷⁹ 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.³⁸⁸⁰ The government is also participating in a pilot program to create a migration statistics unit for West Africa, and cooperated in a regional survey that recorded prostitution and trafficking cases from 1998 to 2001.³⁸⁸¹

In 2000–2001, the Government of Senegal began implementing a 10-Year Education and Training Program, and adopted a national plan of action on Education for All.³⁸⁸² These initiatives aim to achieve universal enrollment in primary education by 2010;³⁸⁸³ leverage non-government resources to help expand access to education; reform

³⁸⁷⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 30, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

³⁸⁷⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Senegal*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18223.htm>. See also U.S. Embassy–Dakar, *unclassified telegram no. 3552*, August 2000. In 1994, the government adopted a National Plan of Action to Improve the Conditions of Child Workers. See ECPAT International, *Mission Report on West Africa*, Bangkok, August–October 2000, 5. The National Plan of Action targets four groups of children: young female domestic workers, apprentices, independent workers, and rural working children. See U.S. Embassy–Dakar, *unclassified telegram no. 3552*.

³⁸⁷⁶ ILO-IPEC, *Francophone Africa: New IPEC Initiatives Make Significant Inroads*, [online] [cited August 14, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/facts14.htm>.

³⁸⁷⁷ U.S. Embassy–Dakar, *unclassified telegram no. 2131*, August 2003. See also ILO-IPEC, *Support for the implementation of the Senegal Time-Bound Programme*, project document, Geneva, September 2003.

³⁸⁷⁸ ILO-IPEC, *Senegal Time-Bound, project document*, 24.

³⁸⁷⁹ 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. See ECPAT International, *Mission Report on West Africa*, 5.

³⁸⁸⁰ “West African Countries Set Up a Body to Stem Child Trafficking,” *Agence France Presse*, July 31, 2001.

³⁸⁸¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Senegal*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

³⁸⁸² Government of Senegal, *Synthèse et Réalisations du Gouvernement—Ministère de l'Éducation Avril 2000 - Décembre 2001*, [online] [cited August 14, 2003]; 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 August 14, 2003]; 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 August 14, 2003]; available from <http://www2.unesco.org/wef/countryreports/senegal/contents.html>.

³⁸⁸³ Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*. Due to a delay in beginning implementation of the plan, the end year was updated from 2008 to 2010. See U.S. Department of State official, electronic communication regarding Constitution of Senegal to USDOL official, August 18, 2003.

non-formal education opportunities; improve the management of education; and reconcile education management with the decentralization process.³⁸⁸⁴ It also seeks to increase the enrollment rates of girls and to improve the quality of teaching, among other goals.³⁸⁸⁵ The World Bank has launched the Quality Education for All Project for Senegal, which supports the implementation of the government's Education and Training Program and covers the first three years of the ten-year program.³⁸⁸⁶ USAID,³⁸⁸⁷ UNICEF,³⁸⁸⁸ and other international donors have also continued to support programs to improve access to basic education, particularly for girls. With funding from USDA and collaboration and support from the Government of Senegal and WFP, Counterpart International launched a school feeding program in September 2002.³⁸⁸⁹ The government also has programs underway to assist children in Koranic schools.³⁸⁹⁰

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 26.5 percent of children ages 10 to 14 years in Senegal were working.³⁸⁹¹ Children can be found working on rural family farms, and in fishing, gold and salt mining, stone quarries, and small businesses, and many Koranic students are involved in organized street begging.³⁸⁹² Children are also reported to be working in domestic service, public transportation, and dumpsites, and subject to sexual exploitation.³⁸⁹³ Senegal is a source and transit country for women and girls trafficked to Europe, South Africa and the Middle East for sexual exploitation.³⁸⁹⁴ Children are also trafficked to Senegal from surrounding countries, and some Koranic teachers in Senegal's urban centers bring children from rural areas of Senegal, holding them under conditions of involuntary servitude.³⁸⁹⁵

Articles 21 and 22 of the Constitution adopted in January 2001 guarantee access to education for all children.³⁸⁹⁶ Education is compulsory up to the age of 12, but this is not enforced due to a shortage of schools.³⁸⁹⁷ However,

³⁸⁸⁴ Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*, Section VI. A. See also UNESCO, *EFA 2000 Assessment- Senegal*.

³⁸⁸⁵ Government of Senegal, *Senegal: Enhanced Structural Adjustment Facility*. See also UNESCO, *EFA 2000 Assessment- Senegal*.

³⁸⁸⁶ World Bank, *Quality Education for All Project*, November 5, [cited November 5, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P047319>. See also World Bank, *Country Status Report, Prepared for the January 2003 Meeting: Senegal*, Washington, D.C., January, 2003; available from <http://www.worldbank.org/afr/SenegalCG2003/SPA%20-%20English.pdf>.

³⁸⁸⁷ 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. See USAID, *Senegal: Activity Data Sheet 685-008*, [cited September 13, 2002]; available from <http://www.usaid.gov/country/afr/sn/685-008.html>.

³⁸⁸⁸ UNICEF, *Girls' Education in Senegal*, [cited September 13, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Senegalfinal.PDF.

³⁸⁸⁹ U.S. Department of Agriculture Foreign Agricultural Service, *The Global Food for Education Pilot Program, Senegal: Counterpart International, Inc.*, FASonline, [report online] February, 2003 [cited June 18, 2003]; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/africa.htm#Senegal%20Counterpart%20International,%20Inc>.

³⁸⁹⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Senegal*.

³⁸⁹¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁸⁹² U.S. Department of State, *Country Reports- 2002: Senegal*, Section 6d. See also Djiga Thiao et. al., *Etude des Pires Formes de Travail des Enfants dans le Secteur de la Peche Artisanale Maritime Senegalaise: Rapport final*, Dakar, December, 2002. See also Serigne Mor Mbaye et. al., *Le Travail des Enfants dans l'Orpaillage, les Carrieres et l'Exploitation du Sel*, Dakar, March, 2003.

³⁸⁹³ ILO-IPEC, *Senegal Time-Bound, project document*, v.

³⁸⁹⁴ U.S. Department of State, *Trafficking in Persons Report- 2003: Senegal*.

³⁸⁹⁵ Ibid. See also Philip Roskamp, U.S. Department of State official, electronic communication to USDOL official, February 23, 2004.

³⁸⁹⁶ *Constitution*, (January 7, 2001); available from <http://www.primature.sn/textes/constitution.pdf>.

³⁸⁹⁷ U.S. Department of State, *Country Reports- 2002: Senegal*, Section 5.

the government has increased the number of classrooms and encouraged children, particularly girls, to attend school.³⁸⁹⁸ In 2000, the gross primary enrollment rate was 74.8 percent (79.3 percent for boys and 70.3 percent for girls) and the net primary enrollment rate was 63.1 percent (66.3 percent for boys and 59.9 percent for girls).³⁸⁹⁹ Primary school attendance rates are unavailable for Senegal. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.³⁹⁰⁰ In 1999, 72.3 percent of children enrolled in primary school reached grade 5.³⁹⁰¹

Child Labor Laws and Enforcement

The Constitution, by reference to the Convention on the Rights of the Child, protects children from economic exploitation and from involvement in hazardous work.³⁹⁰² The minimum age for employment is 15 years.³⁹⁰³ The Ministry of Labor has responsibility for the enforcement of child labor laws and monitors and enforces the restrictions in the formal sector.³⁹⁰⁴

In June 2003, the Minister of Labor issued four regulations on child labor that set the minimum age and working hours and conditions based on ILO conventions, identified the worst forms of child labor, defined hazardous work that is forbidden to children and young people, and listed companies and handicrafts where child labor is forbidden. In March 2003, the Ministry of Fisheries passed a regulation that prohibits children under 16 on fishing vessels.³⁹⁰⁵

Prostitution of children is illegal in Senegal, as specified by Article 327 of the Criminal Code.³⁹⁰⁶ Article 319, Section 5 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. Procuring a minor for prostitution is punishable by imprisonment for 2 to 5 years and a fine of 300,000 (USD 526.36) to 4,000,000 (USD 7,018.14) (Articles 323–324).³⁹⁰⁷ Forced and compulsory labor, including by children, is prohibited by law.³⁹⁰⁸ There is no specific anti-trafficking legislation, but the law prohibits the sale of persons, abduction and hostage-taking.³⁹⁰⁹

The Government of Senegal ratified ILO Convention 138 on December 15, 1999 and Convention 182 on June 1, 2000.³⁹¹⁰

³⁸⁹⁸ Ibid.

³⁸⁹⁹ World Bank, *World Development Indicators* 2003.

³⁹⁰⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁰¹ World Bank, *World Development Indicators* 2003.

³⁹⁰² U.S. Department of State, *Country Reports- 2002: Senegal*, Section 6d. See also U.S. Department of State official, electronic communication regarding Constitution of Senegal, August 18, 2003. See also *Constitution*.

³⁹⁰³ ILO-IPEC, *Senegal Time-Bound, project document*, 17.

³⁹⁰⁴ U.S. Department of State, *Country Reports- 2002: Senegal*, Section 6d.

³⁹⁰⁵ U.S. Embassy- Dakar, *unclassified telegram no. 2131*.

³⁹⁰⁶ *Criminal Code of Senegal*, in Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Senegal*, [database online] [cited June 19, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSenegal.asp>.

³⁹⁰⁷ Government of Senegal, *Criminal Code, Section V: Offenses Against Public Morals*, as cited in The Protection Project Legal Library, [database online]; available from <http://209.190.246.239/protectionproject/statutesPDF/Senegal.pdf>. For currency conversion see FXConverter, [online] [cited July 1, 2003]; available from <http://www.oanda.com/convert/classic>.

³⁹⁰⁸ U.S. Department of State, *Country Reports- 2002: Senegal*, Section 6c.

³⁹⁰⁹ Ibid., Section 6f.

³⁹¹⁰ ILO, *Ratifications by Country*, ILOLEX, [database online] [cited June 18, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the Seychelles implemented 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.³⁹¹¹ The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development works to protect children's rights.³⁹¹² The National Commission for Child Protection, established in 1996, is responsible for overall child protection policies.³⁹¹³

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Seychelles are unavailable, as there have been no reports of child labor in the country.³⁹¹⁴ Education is compulsory up to the age of 16 and free through secondary school up to the age of 18.³⁹¹⁵ In 1999, the gross primary enrollment rate was 100.8 percent and the net primary enrollment rate was 99.9 percent.³⁹¹⁶ 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.³⁹¹⁷

Child Labor Laws and Enforcement

Article 31 of 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.³⁹¹⁸ However, the Employment Act stipulates that any child under the age of 15 is prohibited from working. Children ages 16 to 18 are considered as adults in the labor market and there are no special protections for this age group.³⁹¹⁹ Violations of the minimum age regulation are punishable by a fine of SCR 6,000 (USD 1,169.59).³⁹²⁰ 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.³⁹²¹ Forced or bonded labor is prohibited by law.³⁹²² Article 138(b) of the Penal

³⁹¹¹ 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; available from <http://www2.unesco.org/wef/countryreports/seychelles/contents.html>.

³⁹¹² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Seychelles*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18224.htm>.

³⁹¹³ Government of Seychelles Ministry of Social Affairs and Manpower Development, "Seychelles- Putting Children First," *African Newsletter on Occupational Health and Safety*, August 2000; available from <http://www.ttl.fi/Internet/English/Information/Electronic+journals/African+Newsletter/2000-02/06.htm>. See also ATLAS Seychelles Ltd., *The Historical Perspective of NCC*, [online] [cited July 3, 2003]; available from <http://www.seychelles.net/ncc/about.htm>.

³⁹¹⁴ U.S. Department of State, *Country Reports- 2002: Seychelles*, Sections 6c and 6d.

³⁹¹⁵ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child: Initial Reports of States Parties due in 1995: Seychelles*, CRC/C/3/Add.64, United Nations, January 2002, 83; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.3.Add.64.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.3.Add.64.En?OpenDocument). See also U.S. Department of State, *Country Reports- 2002: Seychelles*, Section 5.

³⁹¹⁶ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

³⁹¹⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹¹⁸ UN Committee on the Rights of the Child, *Consideration of Reports: Initial Reports: Seychelles*, 12, 108.

³⁹¹⁹ *Ibid.*, 108.

³⁹²⁰ U.S. Department of State, *Country Reports- 2002: Seychelles*, Section 6d. See also FXConverter, [online] [cited September 2, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

³⁹²¹ ILO, *Seychelles: Children and Young Persons*, [cited July 31, 2003]; available from <http://natlex.ilo.org/Scripts/natlexcgi.exe?lang=E&doc=query&ctry=SYC&llx=12.01>.

³⁹²² U.S. Department of State, *Country Reports- 2002: Seychelles*, Section 6c.

Code prohibits the procuring of any woman or girl for purposes of prostitution.³⁹²³ The Ministry of Employment and Social Services enforces child labor laws and investigates claims of child labor abuses.³⁹²⁴

In 2002, 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.³⁹²⁵ A Family Tribunal composed of 18 members hears and decides all cases relating to the care and custody of children, save paternity cases.³⁹²⁶ Only 41 cases of child sex abuse were reported in 2002, and there are concerns that police investigations into charges of abuse are inadequate.³⁹²⁷

The Government of Seychelles ratified ILO Convention 138 on March 7, 2000, and ILO Convention 182 on September 28, 1999.³⁹²⁸

³⁹²³ The Protection Project, "Seychelles," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from <http://209.190.246.239/ver2/cr/Seychelles.pdf>.

³⁹²⁴ U.S. Department of State, *Country Reports- 2002: Seychelles*, Section 6d.

³⁹²⁵ *Ibid.*, Sections 6c, 6d, and 6f.

³⁹²⁶ *Ibid.*, Section 5.

³⁹²⁷ *Ibid.*

³⁹²⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 31, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Sierra Leone, with support from the African Development Bank and the Islamic Development Bank, is constructing 600 new primary schools and 100 junior secondary schools, and furnishing them with textbooks, furniture and other needed equipment.³⁹²⁹ The Voice of Children, a radio program run by children for children, was launched in February 2003 and is supported by the Government of Sierra Leone.³⁹³⁰ The government has also established a National Commission for War-Affected Children whose goals are to provide support to demobilized child combatants, to develop and implement strategies to ensure that the needs of young girls are addressed, and to continue to provide services for children who are separated from their parents.³⁹³¹

The government has created a National Education Action Plan emphasizing improvements in the quality and relevance of education, expanding access to primary education, especially for girls and the rural poor, and building the planning and management capacity of the Ministry of Education, Science and Technology.³⁹³² The World Bank is currently supporting a program to help Sierra Leone's schools meet basic standards in a post-conflict environment and to build up the capacity of the Ministry of Education, Science, and Technology to deliver educational services.³⁹³³ The Minister of Education, Science and Technology has stated that the national government will 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.³⁹³⁴ UNICEF is engaged in projects to renovate schools, distribute teaching materials and equipment, retrain teachers, and promote girls' education.³⁹³⁵

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. 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.³⁹³⁶ The survey also found that

³⁹²⁹ Big Ben, "Science and Technology Minister, Dr. Alpha Tejan Wurle- On the Subject of Literacy," *Sierra Leone Live*, July 25, 2002, [cited August 29, 2003]; available from <http://www.sierraleonelive.com/news/templates/education.asp?articleid=215&zoneid=15>. The portion of the initiative funded by the African Development Bank will support the rehabilitation, reconstruction or expansion of 460 primary schools, 100 junior secondary schools, and vocational training centers. This project includes funding from the International Development Association and the United Kingdom's Department for International Development. See The African Development Bank Group, *The African Development Fund Approves a US \$19.84 Million Loan and a US \$ 1.32 Million Grant to Finance the Rehabilitation of Basic, Non-Formal and Vocational Education (Education III Project) in Sierra Leone*, press release, October 16, 2002; available from http://www.afdb.org/knowledge/pressreleases2001/adf_56_2002e.htm.

³⁹³⁰ UN, *UN Special Envoy for Children and Armed Conflict Arrives in Sierra Leone*, press release, HR/4646, New York, February 24, 2003; available from <http://www.un.org/News/Press/docs/2003/hr4646.doc.htm>. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Sierra Leone*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

³⁹³¹ Government of Sierra Leone, *Sierra Leone: Post-Conflict Development Agenda: Strategies for Growth and Poverty Reduction*, Paris, November 13-14, 2002, 28; available from <http://www.undpsalone.org/files/Programmes/SIL%20Medium%20Term%20Post-conflict%20Agenda.pdf>.

³⁹³² *Ibid.*, 26-27.

³⁹³³ World Bank, *Rehabilitation of Basic Education Project*, Washington, D.C., August 29, 2003, [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P074320>.

³⁹³⁴ Big Ben, "Science and Technology Minister."

³⁹³⁵ Integrated Regional Information Networks, "Sierra Leone: Army Recruits Trained in Child Protection", [online], November 3, 2000. See also UNICEF, *Girls' Education in Sierra Leone*, [online] [cited June 28, 2003].

³⁹³⁶ 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 Sierra Leone, *The Status of Women and Children in Sierra Leone: A Household Survey Report (MICS-2)*, November 2000, 60; available from <http://www.childinfo.org/MICS2/newreports/sierraleone/sierraleone.PDF> and <http://www.childinfo.org/MICS2/newreports/sierraleone/sierraleonetables.pdf>. See Government of Sierra Leone, *The Status of Women and Children in Sierra Leone*, 14. 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 2003* [CD-ROM], Washington, D.C., 2003.

10 percent of children spend more than 4 hours per day on domestic work, such as cooking, shopping, and cleaning.³⁹³⁷ Children in Sierra Leone work in family businesses and as petty vendors, and seasonally on family subsistence farms.³⁹³⁸ Street children are employed by adults to sell, steal and beg, and hundreds of children mine alluvial diamond fields.³⁹³⁹ Teenage prostitution has reportedly become a significant problem as a result of migration from rural areas to Freetown and other urban areas during the war.³⁹⁴⁰ Children were reportedly trafficked from Sierra Leone to Liberia as forced conscripts, and some are trafficked to Europe in false adoption schemes.³⁹⁴¹

Human rights groups estimate that between 6,000 and 10,000 children under 16 years of age were forcibly abducted into military service during the civil war.³⁹⁴² 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, sex slaves, or diamond miners.³⁹⁴³ Child soldiers forced into military service by the RUF were required to engage in combat, massacres, and other acts of brutality.³⁹⁴⁴ In May 2001, following reconciliation talks between the Government of Sierra Leone and the RUF, the RUF began to release child soldiers.³⁹⁴⁵ Between May 2001 and January 2002, 6,845 children from the RUF and Armed Forces Revolutionary Council (AFRC), and from the government-allied Civil Defense Force (CDF) militias, were disarmed and demobilized.³⁹⁴⁶ Eight percent of these children were girls.³⁹⁴⁷ However, UNICEF has identified at least 400 girls who remain with their RUF captors.³⁹⁴⁸ Also, the number of street children, particularly in urban areas, is rising,³⁹⁴⁹ and there are reports that children continue to be forced to work in diamond mines by former RUF commanders.³⁹⁵⁰

³⁹³⁷ Other tasks include washing clothes, fetching water, and caring for children. See Government of Sierra Leone, *The Status of Women and Children in Sierra Leone*, 60. Work in the home for more than 4 hours a day is generally believed to interfere with a child's schooling, and thus to constitute child labor.

³⁹³⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Sierra Leone*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18225pf.htm>.

³⁹³⁹ A majority of these children work for relatives, although some are reported to work for former Revolutionary United Front commanders. See *Ibid.*

³⁹⁴⁰ 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>.

³⁹⁴¹ Children were also trafficked internally throughout the decade-long civil war. See U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*.

³⁹⁴² Douglas Farah, "Children Forced to Kill," *Washington Post* (Washington, D.C.), April 10, 2000; available from <http://www.globalpolicy.org/security/issues/sierra/childarm.htm>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sierra Leone*, Washington, D.C., March 4, 2002, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8402.htm>. See also U.S. Embassy- Freetown official, electronic communication to USDOL official, February 19, 2004.

³⁹⁴³ U.S. Department of State, *Country Reports- 2001: Sierra Leone*, 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 August 29, 2003]; available from <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A30720-2001Aug18¬Found=true>.

³⁹⁴⁴ Farah, "Children Forced to Kill."

³⁹⁴⁵ UNICEF, *UNICEF Encouraged by the Release Today of 150 Child Soldiers in Sierra Leone*, press release, Freetown/New York, June 4, 2001; available from <http://www.unicef.org/newsline/01prjune4cs.htm>.

³⁹⁴⁶ Human Rights Watch, *World Report 2003: Sierra Leone*, New York, 2003; available from <http://hrw.org/wr2k3/africa10.html>. See also Amnesty International, *Amnesty International Report 2003: Sierra Leone*, London, 2003; available from <http://web.amnesty.org/web/web.nsf/print/sle-summary-eng>.

³⁹⁴⁷ U.S. Department of State, *Country Reports- 2002: Sierra Leone*, Section 5. See also Human Rights Watch, *World Report 2003: Sierra Leone*.

³⁹⁴⁸ Human Rights Watch, *World Report 2003: Sierra Leone*.

³⁹⁴⁹ Government of Sierra Leone, *Sierra Leone: Post-Conflict Development Agenda*, 28. More than 5,000 street and unaccompanied children are estimated to be in Freetown and other urban centers. See ECPAT International, *Sierra Leone*, in ECPAT International, [database online] [cited June 18, 2003]; available from <http://www.ecpat.net/>.

³⁹⁵⁰ U.S. Department of State, *Country Reports- 2002: Sierra Leone*, Section 6c.

The law mandates primary school attendance.³⁹⁵¹ In 2000, the gross primary enrollment rate was 92.8 percent (106.0 percent for boys and 79.8 percent for girls).³⁹⁵² That same year, however, the net primary school attendance rate was 40.7 percent.³⁹⁵³ The lack of schools has made implementation of compulsory education impossible.³⁹⁵⁴ Even before the war, the educational system was capable of serving only 45 percent of primary school-age children.³⁹⁵⁵ As a result of the civil war, 1,270 primary schools were reported to have been destroyed, and in 2001, UNICEF estimated that 67 percent of all school age children were out of school.³⁹⁵⁶ The Government of Sierra Leone has since introduced “free” primary education.³⁹⁵⁷ However, there are widespread complaints among Sierra Leoneans that due to associated costs of schooling, including books, uniforms, supplies, and unofficial teacher’s fees, education is not free.³⁹⁵⁸

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.³⁹⁵⁹ However, the government lacks resources to enforce these laws.³⁹⁶⁰ Forced and bonded labor, including by children, is prohibited by the Constitution.³⁹⁶¹ There is no law that specifically prohibits trafficking in persons, but there are laws against procuring a female by threats or coercion for the purpose of prostitution.³⁹⁶² The government provides assistance to a special UN court in the trials of the leader of the pro-Government militia, later an Interior Minister, and former rebel commanders for kidnapping and recruiting child soldiers in March 2002.³⁹⁶³

The Government of Sierra Leone has not ratified ILO Convention 138 or ILO Convention 182.³⁹⁶⁴

³⁹⁵¹ Ibid.

³⁹⁵² World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁹⁵³ Approximately 43.1 percent of primary school age boys were attending primary school in 2000, while the net primary school attendance rate for girls was only 38.1 percent. See Government of Sierra Leone, *The Status of Women and Children in Sierra Leone*, Table 11.

³⁹⁵⁴ U.S. Department of State, *Country Reports- 2002: Sierra Leone*, Section 5.

³⁹⁵⁵ UNICEF, *Girls’ Education in Sierra Leone*.

³⁹⁵⁶ Republic of Sierra Leone, *Interim Poverty Reduction Strategy Paper*, Freetown, June 2001, 18–19 [cited August 29, 2003]; available from <http://www.imf.org/external/np/prsp/2001/sle/01/063101.pdf>.

³⁹⁵⁷ 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 August 29, 2003]; 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.

³⁹⁵⁸ U.S. Embassy- Freetown official, electronic communication, February 19, 2004.

³⁹⁵⁹ U.S. Department of State, *Country Reports- 2002: Sierra Leone*, Section 6d.

³⁹⁶⁰ Ibid.

³⁹⁶¹ Ibid., Section 6c.

³⁹⁶² Ibid., Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*.

³⁹⁶³ U.S. Department of State, *Trafficking in Persons Report: Sierra Leone*. See also U.S. Embassy- Freetown official, electronic communication, February 19, 2004.

³⁹⁶⁴ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited June 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the Slovak Republic instituted a National Action Plan for Children's Rights in 2002.³⁹⁶⁵ It has also 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.³⁹⁶⁶ The government has also increased its attention to the elimination of trafficking in the country. A new unit to combat trafficking was created within the Police Department of Organized Crime in June 2002 to coordinate trafficking investigations. The Law Against Trafficking in Persons was also amended to include stricter measures for violations.³⁹⁶⁷ In addition, the government is working in consultation with the IOM and the UN Office on Drugs and Crime to promote the international coordination of policies and programs on trafficking.³⁹⁶⁸ The UN Office on Drugs and Crime is implementing a project on trafficking in persons that supports strengthening the criminal justice response, as well as providing protection and support to victims of trafficking.³⁹⁶⁹

In collaboration with UNESCO, the government has developed an Education for All Program,³⁹⁷⁰ sponsored a media campaign to encourage school attendance, and developed a pre-school program to teach Roma children the Slovak language.³⁹⁷¹ 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 the integration of Roma children in primary school.³⁹⁷²

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in the Slovak Republic are unavailable.³⁹⁷³ Girls from Slovakia are trafficked for the purpose of commercial sexual exploitation, and Slovakia is a country of origin, transit and a destination country for such victims of trafficking.³⁹⁷⁴ 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

³⁹⁶⁵ Mr. Peter Magvasi, *Minister of Labor, Social Affairs, and Family of the Slovak Republic, Statement at the 27th Special Session of the United Nations General Assembly on Children*, UNICEF, [online] 2002 [cited July 9, 2003]; available from <http://www.un.org/ga/children/slovakiaE.htm>. See also U.S. Embassy- Bratislava, *unclassified telegram no. 969*, September 8, 2003.

³⁹⁶⁶ U.S. Embassy- Bratislava, *unclassified telegram no. 969*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Slovak Republic*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18390.htm>. See also U.S. Embassy- Bratislava, *unclassified telegram no. 897*, September 2002. See also Mr. Peter Magvasi, *Minister of Labor, Social Affairs, and Family of the Slovak Republic, Statement at the 27th Special Session of the United Nations General Assembly on Children*.

³⁹⁶⁷ U.S. Department of State, *Country Reports- 2002: Slovak Republic*, Section 6f.

³⁹⁶⁸ Ibid.

³⁹⁶⁹ 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 July 31, 2003]; available from <http://www.unis.unvienna.org/en/events/2002/summary08may02.htm>.

³⁹⁷⁰ Ludmila Simcakova, *Education for All 2000 Assessment: Country Reports- Slovak Republic*, UNESCO, [online] 1999 [cited June 28, 2003]; available from <http://www2.unesco.org/wef/countryreports/slovakia/contents.html>.

³⁹⁷¹ U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³⁹⁷² Slovak Republic Government Office, *Overview of Phare Projects Focusing on Minorities*, [online] 2003 [cited August 1, 2003]; available from http://www.vlada.gov.sk/mensiny/phare_summary_ENG.doc.

³⁹⁷³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. See also U.S. Embassy- Bratislava, *unclassified telegram no. 969*.

³⁹⁷⁴ U.S. Department of State, *Country Reports- 2002: Slovak Republic*, Sections 5 and 6f.

protecting children.³⁹⁷⁵ Insufficient data and awareness of the phenomenon of the commercial sexual exploitation of children persist.³⁹⁷⁶

Education is free and compulsory. The Education Act of 1994 established a 9-year compulsory school attendance. In 1998, the law was amended and a gradual change to 10 years was initiated.³⁹⁷⁷ In 2000, the gross primary enrollment rate was 103 percent, and the net primary enrollment rate was 89.4 percent.³⁹⁷⁸ 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.³⁹⁷⁹ Although official statistics are unavailable, it is believed that fewer Roma than Slovak children attend primary school.³⁹⁸⁰ Roma children are also disproportionately placed in special schools for the mentally disabled, often because they lack sufficient knowledge of the Slovak language.³⁹⁸¹

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 with the approval of the National Labor Inspector's Office as long as the work does not affect their health, safety, development, or full-time schooling.³⁹⁸² 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.³⁹⁸³ 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.³⁹⁸⁴ Violations for child labor include civil fines up to 500,000 crowns (USD 11,494) for first time offenders, and up to 1 million crowns (USD 22,989) for repeat offenders.³⁹⁸⁵

The Criminal Code prohibits the sale and trafficking of persons, and these crimes can be penalized more severely when the victim is under the age of 18.³⁹⁸⁶ The trafficking of children for the purposes of adoption, child labor, or any other illegal purpose is also prohibited by the Criminal Code.³⁹⁸⁷ A person convicted of selling a child under

³⁹⁷⁵ 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; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.140.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.140.En?OpenDocument).

³⁹⁷⁶ *Ibid.*, para. 49-50.

³⁹⁷⁷ Education Act No. 350/1994 was amended by Education Act No. 6/1998. See Ludmila Simcakova, *EFA Country Report: Slovak Republic*, INNODATA, *Slovakia Country Report*, 2000 [cited July 31, 2003]; available from <http://www.ibe.unesco.org/International/ICE/natrap/Slovakia.pdf>.

³⁹⁷⁸ World Bank, *World Development Indicators 2003*.

³⁹⁷⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁹⁸⁰ U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³⁹⁸¹ U.S. Department of State, *Country Reports- 2002: Slovak Republic*, Section 5.

³⁹⁸² *Labor Code Act*, Part 1, Article 11. See also U.S. Embassy- Bratislava, *unclassified telegram no. 969*.

³⁹⁸³ USDOL-Bureau of International Labor Affairs, *Advancing the Campaign Against Child Labor: Efforts at the Country Level*, USDOL, Washington, DC, July 2002, Part 7, Article 175. See also *Labor Code Act*, Part 7, Article 175.

³⁹⁸⁴ *Labor Code Act*, Part 3, Article 85.

³⁹⁸⁵ U.S. Department of State, *Country Reports- 2002: Slovak Republic*, 6d.

³⁹⁸⁶ *Criminal Code of Slovak Republic*, as cited in The Protection Project, "Slovakia," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Slovakia.pdf>. See also U.S. Department of State, *Country Reports- 2002: Slovak Republic*, 6f.

³⁹⁸⁷ The Protection Project, "Slovak Republic," Article 216a.

the age of 15 for the purpose of prostitution can receive a penalty of up to 12 years imprisonment. A maximum sentence of 15 years can be applied if serious bodily injury results or if the perpetrator is an organized crime member.³⁹⁸⁸ On September 1, 2002, the Law Against Trafficking in Persons was revised to include sentences of 3 to 10 years of imprisonment for individuals found guilty of trafficking crimes. For offenders who were involved with crime syndicates, the length of imprisonment can last from 12 to 15 years.³⁹⁸⁹ The Constitution prohibits forced labor.³⁹⁹⁰

The inspection section of the Ministry of Labor enforces the country's child labor laws.³⁹⁹¹ 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 distributes fliers explaining legislation on and hazards of child labor, and also provides specific training to its inspectors on child labor.³⁹⁹² 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.³⁹⁹³

The Government of the Slovak Republic ratified ILO Convention 138 on September 29, 1997, and ILO Convention 182 on December 20, 1999.³⁹⁹⁴

³⁹⁸⁸ Ibid., Article 204.

³⁹⁸⁹ U.S. Department of State, *Country Reports- 2002: Slovak Republic*, Section 6f. See also U.S. Embassy- Bratislava, *unclassified telegram no. 969*.

³⁹⁹⁰ *Constitution of the Slovak Republic*, Article 18.

³⁹⁹¹ U.S. Embassy- Bratislava, *unclassified telegram no. 897*. See also U.S. Embassy- Bratislava, *unclassified telegram no. 969*.

³⁹⁹² U.S. Embassy- Bratislava, *unclassified telegram no. 897*.

³⁹⁹³ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Slovakia*, CRC/C/11/Add.17, August 17, 1998, para. 66; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.11.Add.17.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.11.Add.17.En?OpenDocument). Documentation from the Trafficking in Human Beings and Sexual Exploitation Unit at the Slovak Republic's Police Presidium showed that there were 28 cases of trafficking in human beings and no cases of trafficking in children under the Criminal Code as of October 2003. See U.S. Department of State official, electronic communication to USDOL official, February 18, 2004.

³⁹⁹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 31, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of the Solomon Islands formulated a National Youth Policy in 2000 to address the welfare needs of youth 14 to 29, and also those of children facing difficult situations below the age of 14.³⁹⁹⁵ While a National Advisory Committee on Children was established in 1993, government efforts that focus on children have been hindered by a lack of resources and recent conflicts.³⁹⁹⁶

To date, a majority of government efforts have been focused on restoring peace and security in the country and providing basic social services to its citizens.³⁹⁹⁷ With technical assistance from the UNDP, the Government of the Solomon Islands produced the *Solomon Islands Human Development Report* in 2002. The is a policy-oriented document that addresses various facts of human development such as education, labor, governance, and health.³⁹⁹⁸ The government also worked in consultation with the United Nations to assess the country's national development through a Common Country Assessment.³⁹⁹⁹ The CCA formed the basis for the UN Development Assistance Framework (UNDAF) 2003–2007, which was completed in 2002.⁴⁰⁰⁰

The country's National Education Master Plan 1999–2010 includes provisions to improve the quality, scope, and relevance of education.⁴⁰⁰¹ The Ministry of Education has developed various training programs and services to equip primary and secondary school teachers and education administrators.⁴⁰⁰²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 23.3 percent of children ages 10 to 14 years in the Solomon Islands were working.⁴⁰⁰³ There are reports of commercial sexual exploitation, but information on the extent of the problem is not available.⁴⁰⁰⁴ At times, about 100 children aged 12 to 17 reportedly fought in the ranks of militant Guadalcanese

³⁹⁹⁵ UN, *Common Country Assessment: Solomon Islands*, Office of the United Nations Resident Coordinator, [online] 2002 [cited July 21, 2003], 75; available from <http://www.undp.org.fj/documents/CCA%20SOI.pdf>.

³⁹⁹⁶ Ibid., 76.

³⁹⁹⁷ In an effort to lay the foundation for development, the Government of the Solomon Islands has been engaged in several exercises with organizations from different United Nation agencies to assess the situation of the country and devise policies needed to improve government and increase access to basic social services. UN, *Solomon Islands: United Nations Development Assistance Framework (2003-2007)*, Office of the United Nations Resident Coordinator, [online] 2002 [cited July 21 2003,], 2,4–5; available from http://www.undp.org.fj/documents/UNDAF_SOLIS_17%20JULY.doc.

³⁹⁹⁸ Government of the Solomon Islands, *Solomon Islands Human Development Report 2002: Building a Nation*, Mark Otter, [online] 2002 [cited July 21, 2003], Foreword, viii; available from http://www.undp.org/hdro/docs/reports/national/Solomon/solomon_2002_vol_1_eng.pdf.

³⁹⁹⁹ UN, *United Nations Common Country Assessment: Solomon Islands*, Foreword, v.

⁴⁰⁰⁰ UN, *Solomon Islands: United Nations Development Assistance Framework (2003-2007)*, Foreword, i.

⁴⁰⁰¹ Mr. Johnson Moffat Ramoni, *Education for All 2000 Assessment: Country Reports- Solomon Islands*, UNESCO, [online] [cited June 28, 2003], Part 3. Prospects; available from http://www2.unesco.org/wef/countryreports/solomon_islands/rapport_3.html.

⁴⁰⁰² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, [online] July 12, 2002 [cited July 21, 2003], 90; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.51.Add.6.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.51.Add.6.En?OpenDocument).

⁴⁰⁰³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁰⁰⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 115. See also Global March Against Child Labor, *Worst Forms of Child Labour: Solomon Islands*, [online] [cited July 3, 2003]; available from <http://www.globalmarch.org/worstformsreport/world/solomon-islands.htm>.

Isatabu Freedom Movement in the conflict that erupted in 1998 between the Malaitans and the Guadalcanese.⁴⁰⁰⁵

Education in the Solomon Islands is not compulsory,⁴⁰⁰⁶ and school fees are reported to be very high in relation to income.⁴⁰⁰⁷ In 1996, the gross primary enrollment rate was 96.9 percent.⁴⁰⁰⁸ However, other education data show that only 60 percent of school-age children have access to primary education.⁴⁰⁰⁹ Primary school attendance rates are unavailable for the Solomon Islands. The state of education is reported to have worsened in recent years, due to poor infrastructure, lack of financial resources, and irregular payment of teachers.⁴⁰¹⁰

Child Labor Laws and Enforcement

Section 84 of the Labour Act prohibits the employment of children below the age of 12, but children may participate in light agricultural or domestic labor either as an employee of, or as a worker in the company of, their parents.⁴⁰¹¹ Children under the age of 15 are prohibited from working in industry or on ships, except on approved training ships, and children under the age of 16 may not work underground in mines.⁴⁰¹² The Constitution prohibits slavery and forced labor.⁴⁰¹³ The procurement of girls under 18 years of age for the purposes of prostitution is prohibited under Part XVI of the Penal Code (“Offences Against Morality”).⁴⁰¹⁴ Section 246 of the Penal Code, Part XXVI, “Offences Against Liberty” provides for sanctions for the abduction of children.⁴⁰¹⁵

The Labor Division of the Ministry of Commerce, Trade, and Industry is tasked with enforcing child labor laws,⁴⁰¹⁶ but information of 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 182.⁴⁰¹⁷

⁴⁰⁰⁵ According to Amnesty International, children between 12 and 17 comprised at least a quarter of the IFM forces at roadblocks east of the town of Honiara in September 1999. See Amnesty International, *Solomon Islands: A Forgotten Conflict*, [online] 2000 [cited July 3, 2003], 3; available from <http://web.amnesty.org/ai.nsf/Index/ASA430052000?OpenDocument&of=COUNTRIES\SOLOMON+ISLANDS>. See also UN, *United Nations Common Country Assessment: Solomon Islands*, 76.

⁴⁰⁰⁶ Government of the Solomon Islands, *Solomon Islands Human Development Report 2002: Building a Nation*, 46.

⁴⁰⁰⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Solomon Islands*, March 31, 2003 [cited April 2, 2003], Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18264.htm>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 90.

⁴⁰⁰⁸ Net primary enrollment rates are unavailable for the Solomon Islands. See World Bank, *World Development Indicators 2003*.

⁴⁰⁰⁹ UN Committee Economic Social and Cultural Rights, *Review of the Implementation of CERD: Solomon Islands*, E/C.12/1/Add.33, Geneva, May 1999, para. 23; 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).

⁴⁰¹⁰ U.S. Department of State, *Country Reports- 2002: Solomon Islands*, Section 5.

⁴⁰¹¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 111.

⁴⁰¹² *Ibid.*, 112.

⁴⁰¹³ *Constitution of the Solomon Islands, 1978*, Chapter II, Article 6; available from http://www.vanuatu.usp.ac.fj/paclawmat/Solomon_Islands_legislation/Solomons_Constitution.html.

⁴⁰¹⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Solomon Islands*, 56.

⁴⁰¹⁵ *Ibid.*, 55.

⁴⁰¹⁶ U.S. Department of State, *Country Reports- 2002: Solomon Islands*, Section 6d.

⁴⁰¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 15, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.⁴⁰¹⁸ Few educational opportunities, either formal or non-formal, are available to students.⁴⁰¹⁹ Since 1996, the international effort to improve education in Somalia has been coordinated by the Education Sectoral Committee of the Somalia Aid Coordination Body, made up of UN agencies, donors, and international NGOs.⁴⁰²⁰ 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.⁴⁰²¹ UNICEF, in concert with other partners and local authorities, is working on projects to reform the education system, develop curriculum, train teachers, develop and distribute standardized textbooks, establish educational standards, and develop management information systems.⁴⁰²² UNICEF, UNESCO-PEER, 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.⁴⁰²³

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; it is believed that this percentage has risen.⁴⁰²⁴ Children are engaged in herding, agriculture, and domestic labor.⁴⁰²⁵ Boys as young as 14 or 15 have participated in combat and some children as young as 11 have been forcibly conscripted into militias to serve as combatants and as servants.⁴⁰²⁶ Trafficking in children for forced labor is a serious problem.⁴⁰²⁷

⁴⁰¹⁸ The Transitional National Government, based in Mogadishu, represents Somalia in the UN and other international organizations. It has yet to establish its authority over most of the country and has little control over most government services, which are administered by provincial governments, if at all. See U.S. Department of State, *Background Note: Somalia*, October 2003, [cited November 3, 2003]; available from <http://www.state.gov/r/pa/ei/bgn/2863.htm>. See also UN Somalia, *Somalia History*, United Nations, [previously online] [cited October 4, 2002], [cited September 19, 2002] [previously online]; available from <http://www.unsomalia.org/infocenter/history.htm> [hard copy on file].

⁴⁰¹⁹ UNICEF, *UNICEF Humanitarian Action: Somalia Donor Update 27 January 2003*, [online] 2003 [cited July 23, 2003]; available from <http://www.reliefweb.int/w/rwb.nsf/0/0541ED3A1C22572E85256CBD006DE4FA?OpenDocument>.

⁴⁰²⁰ Somalia Aid Coordination Body, *The Somalia Aid Coordination Body on the Net*, [cited December 1, 2003]; available from http://www.sacb.info/main_intro.htm.

⁴⁰²¹ Somalia Aid Coordination Body, *SACB Education Sectoral Strategy*, [cited July 25, 2003]; available from <http://www.sacb.info/committees/education/SACB%20EDUCATION%20SECTORAL%20STRATEGY.doc>.

⁴⁰²² UNICEF, *UNICEF Humanitarian Action: Somalia Donor Update 27 January 2003*.

⁴⁰²³ UNESCO, *Education for All 2000 Assessment: Country Reports- Somalia*, pursuant to UN General Assembly Resolution 52/84, 2000, [cited November 3, 2003]; available from http://www2.unesco.org/wef/countryreports/somalia/rapport_2.html.⁴⁰²⁴ 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 November 3, 2003]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_COUNTRY=193&anno=?anno_ See also UNICEF, *Somalia: List of Tables*, [online] [cited November 3, 2003]; available from <http://www.childinfo.org/MICS2/natMICSrepz/Somalia/TablesFinal150101.pdf>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Somalia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18226.htm>.

⁴⁰²⁵ U.S. Department of State, *Country Reports- 2002: Somalia*, Section 6d. Thousands of children are living in destitution in displaced camps or on the streets, especially in Mogadishu and Hargeisa. See UNDP Somalia Country Office, *Human Development Report 2001 Somalia*, 187 as cited in U.S. Embassy- Nairobi, electronic communication to USDOL official, February 24, 2004. Such children are vulnerable to exploitation including engagement in the worst forms of child labor.

⁴⁰²⁶ U.S. Department of State, *Country Reports- 2002: Somalia*, Section 5. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Somalia*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21262.htm>.

⁴⁰²⁷ Children are reportedly sent to countries where they work or collect welfare and send money back to family members in Somalia. U.S. Department of State, *Country Reports- 2002: Somalia*, Sections 6d and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Somalia*.

Somalia has no government to provide free or compulsory education. A 2000 survey found that 62 percent of schools in Somalia require families to pay fees, averaging USD 15.60 per year for each child.⁴⁰²⁸ In addition, many schools lack textbooks and running water.⁴⁰²⁹ UNICEF estimated in 1999 that 58.4 percent of primary school-age children attended school, and that 72.5 percent of children who had entered first grade actually reached the fifth grade.⁴⁰³⁰ But in 2002, the U.S. embassy reported that only 10 to 20 percent of the school age population attended school.⁴⁰³¹ A 2001/2 survey showed that girls made up only 35 percent of the student population at the primary school level.⁴⁰³² Many students attend Koranic schools, though these schools do not provide broad-based education.⁴⁰³³

Child Labor Laws and Enforcement

Somalia has no national government and has no means for enforcing labor laws.⁴⁰³⁴ Somalia is not a member of the ILO and has therefore not ratified ILO Convention 138 or ILO Convention 182.⁴⁰³⁵

⁴⁰²⁸ UNESCO, *EFA 2000 Assessment: Somalia*.

⁴⁰²⁹ U.S. Department of State, *Country Reports- 2002: Somalia*, Section 5.

⁴⁰³⁰ 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 November 26, 2003]; available from http://www.netaid.org/projects/project_index.pt?project_id=10231. The U.S. Department of State's Human Rights Report also cites the 10-20 percent enrollment figure. See U.S. Department of State, *Country Reports- 2002: Somalia*, Section 5.

⁴⁰³¹ U.S. Department of State, *Country Reports- 2002: Somalia*, 598-99 Section 6d. In 2003, UNICEF estimated that school enrollment had increased to 265,000, a 75 percent increase over 1999. See Katy Salmon, *Somalia: Optimism about the future- even if war continues*, Inter Press Service News Agency, February 19, 2003 [cited November 3, 2003]; available from <http://www.warmafria.com/index/geo/9/cat/1/a/a/artid/191>.

⁴⁰³² UNICEF, *UNICEF Humanitarian Action: Somalia Donor Update 27 January 2003*.

⁴⁰³³ UK Save the Children, *Emergency Updates-Somalia*, [previously online] 2002 [cited September 12, 2002]; available from http://savethechildren.org.uk/emergency_updates/Somalia.html. [hard copy on file]. 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*.

⁴⁰³⁴ U.S. Department of State, *Background Note: Somalia*. See also UN Somalia, *Somalia History*.

⁴⁰³⁵ 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 1997.⁴⁰³⁶ In 1999, the South African Department of Labor (SADOL) and Statistics South Africa, with funding from USDOL and technical assistance from ILO-IPEC's SIMPOC, conducted a comprehensive national survey on the nature and extent of child labor in South Africa.⁴⁰³⁷ The South African Department of Labor, in cooperation with ILO-IPEC, has drafted a Child Labor Action Program, which calls for the removal of children from the labor force and their integration into formal education.⁴⁰³⁸

In 1998, the South African Department of Labor facilitated the establishment of a national stakeholder forum known as the Child Labor Intersectoral Group that includes participation from the government, NGOs, trade unions, employers organizations, and international agencies. The Child Labor Intersectoral Group coordinates services provided by the government and NGOs, and raises awareness about child labor and the enforcement of child labor laws.⁴⁰³⁹ The Department of Welfare is a member of the Child Labor Intersectoral Group and administers social safety net programs that help prevent children from entering the workforce.⁴⁰⁴⁰ South African Department of Labor has included modules on child labor as part of its training initiatives for labor inspectors.⁴⁰⁴¹ The Government of South Africa created a task force and training courses for the police and judiciary on the commercial sexual exploitation of children.⁴⁰⁴² South Africa's border police set up a special Trafficking Unit at the Johannesburg airport.⁴⁰⁴³

The Network Against Child Labor, a group of organizations and concerned individuals, was established in 1991 and focuses on ending the economic labor exploitation of children through awareness raising, advocacy, policymaking, research, networking, and legal and intersectoral interventions.⁴⁰⁴⁴ Several NGOs work with police child protection units to provide street children with a safe, non-exploitative environment.⁴⁰⁴⁵

⁴⁰³⁶ ILO-IPEC, *All About IPEC: Programme Countries*, [cited August 27, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁰³⁷ ILO-IPEC initiated the program in response to a request from the SADOL. See U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*, June 2000. See also Statistics South Africa 2000, *Child Labor in South Africa: Tables, Surveys of Activities of Young People 1999*; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/report/indexpr.htm>.

⁴⁰³⁸ SADOL conducted a series of nationwide consultations on the Child Labor Action Program (CLAP) in 2003. As of early 2004, the financial implications of CLAP are being analyzed by the Treasury Department. It is expected that CLAP will be submitted to the cabinet for final approval later in 2004. See U.S. Embassy- Johannesburg Labor Attaché, electronic communication to USDOL official, February 24, 2004.

⁴⁰³⁹ 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. SADOL convenes the CLIG, and there are 10 CLIG offices located in the provinces. See Fatima Bhyat, *Meeting Notes*, prepared by USDOL official, July 26, 2000.

⁴⁰⁴⁰ South Africa Department of Social Services and Population Development, "Discussion Document in Relation to Child Labor in South Africa," in *Network Against Child Labour (NACL): Background (Documents to be discussed at the Meeting of 17 January 2000)* Johannesburg, 2000, 5-6.

⁴⁰⁴¹ 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. See 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; available from http://www.labour.gov.za/docs/sp/2002/may/06_mdladlana.htm.

⁴⁰⁴² U.S. Department of State, *Country Reports on Human Rights Practices- 2002: South Africa*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/c8695.htm>.

⁴⁰⁴³ *Ibid.*, Section 6f.

⁴⁰⁴⁴ 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). See also Child Rights Information Network, *Organizations: Network Against Child Labour*, 2001 [cited August 27, 2003]; available from <http://www.crin.org/organisations/viewOrg.asp?ID=715>.

⁴⁰⁴⁵ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

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.⁴⁰⁴⁶ In 2003, the Department of Education established an action plan to improve access to free and quality basic education.⁴⁰⁴⁷ The National Curriculum 2005 Framework helps to bridge the gap in educational opportunities between privileged and underprivileged children by providing learning materials to schools in a more equitable fashion, and by standardizing the content of training courses for teachers in all districts.⁴⁰⁴⁸

Incidence and Nature of Child Labor

In 1999, a child labor survey conducted by the Statistics South Africa, in cooperation with ILO-IPEC, estimated that 36 percent of children ages 5 to 17 years in South Africa were working.⁴⁰⁴⁹ 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.⁴⁰⁵⁰ Children are also found working as domestic servants in rural areas, especially on farms. Many of these children come from migrant populations.⁴⁰⁵¹ In urban areas, children work as street hawkers, especially around taxi stands and where public transportation is used,⁴⁰⁵² and as car guards.⁴⁰⁵³ There are reports that child prostitution⁴⁰⁵⁴ and sex tourism⁴⁰⁵⁵ are increasing. As South Africa becomes an increasingly popular tourist destination, it has been reported that cities such as Cape Town and Durban are becoming destinations for tourists seek-

⁴⁰⁴⁶ 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- 2002: South Africa*, Section 5.

⁴⁰⁴⁷ Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, June 14, 2003.

⁴⁰⁴⁸ Government of South Africa, *Implementation of the Convention on the Rights of the Child*, 45.

⁴⁰⁴⁹ This statistic uses a broad definition of child work that 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*; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/report/page9.htm>.

⁴⁰⁵⁰ U.S. Consulate- Johannesburg, *unclassified telegram no. 0655*.

⁴⁰⁵¹ Ibid.

⁴⁰⁵² Ibid.

⁴⁰⁵³ ILO-IPEC, *HIV/AIDS and Child Labour in South Africa: A rapid assessment*, Paper No. 4, March 2003.

⁴⁰⁵⁴ U.S. Department of State, *Country Reports- 2002: South Africa*, Sections 5, 6f. See also Bhyat, *Meeting Notes*, July 26, 2000.

⁴⁰⁵⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: South Africa*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

⁴⁰⁵⁶ 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. Children are also allegedly exploited sexually in return for the liquidation of family debts or to raise income for the family. See South Africa National Council for Child and Family Welfare, *Report on the Commercial Sexual Exploitation of Children in South Africa*, June 9, 2000, 11.

ing sex with minors.⁴⁰⁵⁶ South Africa is a destination country and transit point for trafficking in children for the purpose of prostitution.⁴⁰⁵⁷ Children orphaned by HIV/AIDS and children heading households are especially vulnerable to exploitative work and find it difficult to remain in school.⁴⁰⁵⁸

The Constitution states that every child has a right to access basic education.⁴⁰⁵⁹ The South African Schools Act of 1996 makes school compulsory for children ages 7 to 15 and prohibits public schools from refusing admission to any child on the grounds of language, learning difficulty, or race.⁴⁰⁶⁰ Costs such as school fees, transportation, and school uniforms prevent some children from attending school.⁴⁰⁶¹ However, public schools may not refuse admission to students who have not or are unable to pay school fees.⁴⁰⁶²

In 2000, the gross primary school enrollment rate was 111.5 percent, and the net primary enrollment rate was 88.9 percent.⁴⁰⁶³ The gross enrollment rate was higher for boys (114.6 percent) than for girls (108.3 percent), while the net enrollment rates for boys and girls was more even (89.6 percent and 88.2 percent, respectively).⁴⁰⁶⁴ In 1999, 64.5 percent of children enrolled in primary school reached grade 5.⁴⁰⁶⁵ 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.⁴⁰⁶⁶

Child Labor Laws and Enforcement

The Basic Conditions of Employment Act sets the minimum age for employment at 15 years, and prohibits employment of children who are under the legal minimum school leaving age of 15 years.⁴⁰⁶⁷ For children over age 15 and no longer subject to compulsory schooling, the Employment Act allows for the Minister of Labor to set ad-

⁴⁰⁵⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: South Africa*. See also The Protection Project, "South Africa," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/saf.pdf>.

⁴⁰⁵⁸ School fees and harassment served as barriers to accessing education. See ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, Paper No. 1, July 2002, 24, 26.

⁴⁰⁵⁹ *Constitution of the Republic of South Africa*, (December 10, 1996), Chapter 2, Section 29(1)(a); available from <http://www.polity.org.za/html/govdocs/constitution/saconst.html?rebookmark=1>. 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.

⁴⁰⁶⁰ *South African Schools Act*, No. 84 of 1996, (November 15, 1996), Chapter 2, Sections 3(1), 5, 6.

⁴⁰⁶¹ 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. However, the 2003 plan of action focuses on the poorest 40% of students and seeks to remove barriers to school access in a three year span. See Government of South Africa- Department of Education, *Plan of Action: Improving access to free and quality basic education for all*, 2.

⁴⁰⁶² *South African Schools Act*, Chapter 2, Section 5(3)(a).

⁴⁰⁶³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁰⁶⁴ *Ibid.*

⁴⁰⁶⁵ *Ibid.*

⁴⁰⁶⁶ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁰⁶⁷ Republic of South Africa, *Basic Conditions of Employment Act 75 of 1997*, (November 26, 1997), Sections 43(1)(a)(b), 43(3), 93; available from http://www.workinfo.com/free/Sub_for_legres/data/bcea1998.htm. See also Mdladlana Statement: Launch of the International Labour Organization's Third Global Report, 2002. 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).

⁴⁰⁶⁸ *Basic Conditions of Employment Act*, Sections 44(1), 44(2).

ditional prohibitions or conditions on their employment.⁴⁰⁶⁸ The maximum penalty for illegally employing a child, according to the Employment Act, is 3 years imprisonment.⁴⁰⁶⁹ The Employment Act and the Constitution prohibit all forms of forced labor.⁴⁰⁷⁰ The Constitution also provides for the right of every child, defined as a person under 18 years of age, to be protected from exploitative labor practices. It also prohibits children from performing work or providing services that are inappropriate for a child's age or that put at risk a child's well being.⁴⁰⁷¹ The Constitution also prohibits the use of children under the age of 18 in armed conflicts.⁴⁰⁷²

Sexual Offences Act No. 23 of 1957 establishes prostitution as a criminal offence.⁴⁰⁷³ In 1999, the Government of South Africa amended the Child Care Act of 1983 to include a more comprehensive prohibition on the commercial sexual exploitation of children than provided for under the Sexual Offences Act of 1957. The Child Care Amendment Act sets a penalty of up to 10 years imprisonment for the commercial sexual exploitation of a child.⁴⁰⁷⁴ The Child Welfare Act was amended to include an anti-child trafficking provision.⁴⁰⁷⁵

The Employment Act 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 non-agricultural sector but less effectively in other sectors.⁴⁰⁷⁶ Child labor laws are enforced more effectively in the formal non-agricultural sector than in other sectors.⁴⁰⁷⁷

The Government of South Africa ratified ILO Convention 138 on March 30, 2000, and ratified ILO Convention 182 on June 7, 2000.⁴⁰⁷⁸

⁴⁰⁶⁹ Ibid., Sections 43(1)(a)(b), 43(3), 44(2), 93.

⁴⁰⁷⁰ Ibid., Section 48(1). In general, the Employment Act does not apply to informal work unless it constitutes forced labor. See *Constitution of the Republic of South Africa*, Chapter 2, Section 13.

⁴⁰⁷¹ *Constitution of the Republic of South Africa*, Chapter 2, Sections 28(3), 28(1)(e) and (f).

⁴⁰⁷² Ibid., Chapter 2, Section 28(1)(i), 28(3).

⁴⁰⁷³ According to Section 14 of the Sexual Offences Act No. 23 of 1957, any person who commits or attempts to commit a sexual offense against a child under 16 years is in violation of the law unless the child is a prostitute. Sexual Offences Act, as cited in Interpol, *Legislation of Interpol Member States on Sexual Offences Against Children: South Africa*, [cited September 11, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSouthAfrica.asp>. 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 Dawie Bosch & Associates for the Department of Labour, *White Paper on a National Child Labour Action Programme for South Africa (Draft)*, Draft 3.1, ILO-IPEC, July 2003, 9.

⁴⁰⁷⁴ *Child Care Amendment Act*, (1999), Section 50A.

⁴⁰⁷⁵ U.S. Department of State, *Trafficking in Persons Report- 2003: South Africa*.

⁴⁰⁷⁶ U.S. Department of State, *Country Reports- 2002: South Africa*, Section 6d.

⁴⁰⁷⁷ U.S. Consulate- Johannesburg, *unclassified telegram no. 1245*.

⁴⁰⁷⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Sri Lanka became a member of ILO-IPEC in 1996.⁴⁰⁷⁹ In 1998, the National Child Protection Authority (NCPA) was formed under the Presidential Task Force as an oversight agency for the protection of children against any form of abuse.⁴⁰⁸⁰ 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 and the Labor Department are working in consultation with the ILO, UNICEF, Save the Children UK, other NGOs, and the media to address the problem of child labor.⁴⁰⁸¹ The Children's Charter, enacted in 1992, is the primary policy document that promotes the rights of the child.⁴⁰⁸² 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 2002.⁴⁰⁸³

The Department of Census and Statistics conducted a child activity survey in 1999.⁴⁰⁸⁴ In 2001, a rapid assessment on the commercial sexual exploitation of children in Sri Lanka was carried out, and in 2003 another assessment on child domestic labor was carried out.⁴⁰⁸⁵ 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.⁴⁰⁸⁶ The NCPA established a rehabilitation center that provides vocational training and counseling services to child victims

⁴⁰⁷⁹ 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. See Ministry of Education and Labor of the Government of Sri Lanka, *Sri Lanka*, ILO-IPEC, [online] [cited June 13, 2003]; available from <http://www.labour.gov.lk/documents/3ilotpec.htm>.

⁴⁰⁸⁰ Sarath W. Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children: A Rapid Assessment*, ILO-IPEC, Geneva, February 2002, 17; available from <http://www-ilo-mirror.cornell.edu/public/english/standards/ipecc/simpoc/srilanka/ra/cse.pdf>. See also Government of Sri Lanka, *National Child Protection Authority Act No. 50 of 1998*; available from http://www.labour.gov.lk/documents/10_chap.htm.

⁴⁰⁸¹ The Labor Department trained 300 officers in 2001 through an ILO-IPEC program. See U.S. Embassy- Colombo, *unclassified telegram no. 1856*, October 7, 2002.

⁴⁰⁸² 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*, [previously online] [cited June 14, 2003], 13, [hard copy on file].

⁴⁰⁸³ 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. Member state governments have 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 October 10, 2003]; available from <http://www.saarc-sec.org/11summit.htm>.

⁴⁰⁸⁴ The survey was carried out with 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, [online] 1999 [cited August 17, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/report/srilan99/indexpr.htm>.

⁴⁰⁸⁵ The rapid assessment was 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. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*. See also Nayomi Kannangara, Harendra de Silva, and Nilaksi Parndigamage, *Sri Lanka Child Domestic Labour: A Rapid Assessment*, ILO-IPEC, Geneva, September 2003; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/srilanka/ra/domestic.pdf>.

⁴⁰⁸⁶ The Department comes under the Ministry of Social Services. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16. According to the Committee on the Rights of the Child, government bodies such as the National Monitoring Committee, the National Child Protection Authority, and the Department for Probation and Child Care Services do not effectively coordinate the implementation of the UN Convention on the Rights of the Child, and the roles of these bodies are not clearly defined. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Sri Lanka (Unedited Version)*, CRC/C/15/Add.207, prepared by Government of Sri Lanka, pursuant to Consideration of Reports Submitted by State Parties Under Article 44 of the Convention, June 6, 2003, para. 13.

⁴⁰⁸⁷ U.S. Embassy- Colombo, *unclassified telegram no. 1436*, August 18, 2003. The NCPA monitors the tourism industry and commercial sexual exploitation of children, and provides former child soldiers and victims of trafficking medical and psychosocial services. See U.S. Department of State, *Trafficking in Persons Report-2003: Sri Lanka*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#srilanka>.

of the worst forms of child labor.⁴⁰⁸⁷ The Tourist Bureau conducts awareness-raising programs for at-risk children in resort regions prone to sex tourism.⁴⁰⁸⁸ Sri Lanka is part of an ILO-IPEC sub-regional project funded by USDOL to combat child trafficking in South Asia.⁴⁰⁸⁹ ILO-IPEC also implements a national country program to eliminate child labor.⁴⁰⁹⁰ Other international and local NGOs are working towards eradicating child labor and sexual exploitation of children.⁴⁰⁹¹ The government collaborates with UNICEF and other NGOs in an effort to mitigate the impact of civil war on children.⁴⁰⁹² For example, UNICEF advocated for a 60-day deadline for the armed forces to vacate schools that was included into a ceasefire agreement in February 2002.⁴⁰⁹³ In 2003, the Government of Sri Lanka began participating in an inter-regional ILO-IPEC project funded by USDOL that aims to prevent and reintegrate children involved in armed conflict.⁴⁰⁹⁴

The second phase of the General Education Project, funded by the World Bank, has been underway since 1997 and aims to improve the quality, access, and management of schools, including improved curriculum management, and the training of teachers for grades 1 to 9.⁴⁰⁹⁵ The government operates a school meal program for 20,800 first year students in areas that have high malnutrition and provides school uniform material to needy children.⁴⁰⁹⁶

Incidence and Nature of Child Labor

In 1999, the Sri Lankan Department of Census and Statistics estimated that 15 percent of children ages 5 to 14 years in Sri Lanka were working.⁴⁰⁹⁷ According to the survey, the majority of working children are in the agricultural sector.⁴⁰⁹⁸ Children are also found working in the manufacturing, hotel and trade industries, and working as

⁴⁰⁸⁸ The Bureau comes under the Ministry of Tourism. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 16.

⁴⁰⁸⁹ ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, project document, RAS/02/P51/USA, Geneva, September 30, 2002, 8.

⁴⁰⁹⁰ This program is funded by the Danish Government. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 16 August 2003*, August 16, 2003.

⁴⁰⁹¹ Organizations working to combat child labor and sexual exploitation of children include ILO/IPEC, UNICEF, UNHCR, Redd Barna, Save the Children (UK), Swedish International Development Cooperation, Sarvodaya Suwasetha Sangamaya, Don Bosco Technical Training Center, Community Health Foundation, Social Economic and Development Center, Eradicating Sexual Child Abuse, Prostitution and Exploitation, and Protecting Environment and Children Everywhere. See Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*, 17-20.

⁴⁰⁹² H.E. Chandrika Bandaranaike Kumaratunga, President of Sri Lanka, Statement on the Occasion of the Special Session of the General Assembly on Children, United Nations Special Session of the General Assembly on Children, New York, May 8, 2002.

⁴⁰⁹³ UNICEF, *UNICEF Humanitarian Action Report 2003: Sri Lanka*, 2003, 273-76 [hard copy on file]. For nearly twenty years, 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. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Sri Lanka*, Washington, D.C., March 31, 2003, Section 1; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18315pf.htm>. On June 10, 2003, at an international conference on rebuilding Sri Lanka, governments and organizations pledged USD 4.5 billion in aid for the next 4 years, contingent following the ceasefire agreement and observance of human rights. See Hiroshi Hiyama, *International Donors Pledge \$4.5 Billion Dollars for Sri Lanka*, [hard copy on file] June 10, 2003.

⁴⁰⁹⁴ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Program*, project document, Geneva, September 17, 2003.

⁴⁰⁹⁵ World Bank, *General Education Project (02)*, November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P010525>.

⁴⁰⁹⁶ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

⁴⁰⁹⁷ This percentage represents an estimated 475,531 working children. The total population of 5 to 14 year olds in Sri Lanka at the time of the survey was 3,186,838. 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. See Department of Census and Statistics, *Summary of Findings*.

⁴⁰⁹⁸ 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*.

⁴⁰⁹⁹ *Ibid*. The situation of domestic service is not regulated or documented, although many thousands of children are believed to be employed in domestic service. See U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6d.

craft workers, street peddlers, and domestic servants.⁴⁰⁹⁹ Children from rural areas are reported trapped in debt bondage as domestic servants in urban households.⁴¹⁰⁰ Children are primarily trafficked internally to work as domestic laborers and for the purposes of sexual exploitation, especially at tourist destinations.⁴¹⁰¹ Some children have been exploited by foreign pedophiles, although the majority of children engaged in prostitution cater to local citizens.⁴¹⁰² The government estimates that more than 2,000 children are engaged in prostitution.⁴¹⁰³ A local NGO estimates that in 2003, there were 5,000 to 6,000 children between the ages of 8 and 15 years engaged in sex work, 70 percent of which were boys.⁴¹⁰⁴

Despite the ceasefire, reports indicate that children continue to be recruited to serve as child soldiers by the Liberation Tigers of Tamil Eelam (LTTE).⁴¹⁰⁵ NGOs claim boys and girls, some as young as 12 years old, are recruited by the LTTE; children that have disappeared are feared to have been conscripted.⁴¹⁰⁶

Under the Compulsory Attendance of Children at School Regulation No.1 of 1997, primary education is free and compulsory for children 5 to 14.⁴¹⁰⁷ In 1998, the gross primary enrollment rate was 105.9 percent, and the net primary enrollment rate was 97 percent.⁴¹⁰⁸ An estimated 85 percent of children under the age of 16 attend school.⁴¹⁰⁹ 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.⁴¹¹⁰

Educational reforms to improve the quality of education have been initiated by the government in 1999, but education authorities and parents in rural and conflict-affected areas are not fully informed.⁴¹¹¹ Education facilities in

⁴¹⁰⁰ U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6c.

⁴¹⁰¹ U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labor and Sexual Exploitation: Country Report- Sri Lanka* [CD-ROM], Manila, 2001. See also Amarasinghe, *Sri Lanka: The Commercial Sexual Exploitation of Children*.

⁴¹⁰² U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 5.

⁴¹⁰³ *Ibid.*, Section 5.

⁴¹⁰⁴ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

⁴¹⁰⁵ Amy Waldman, "Sri Lanka's Children Still Abducted for War by Rebels," *The New York Times* (New York), January 6, 2003; available from http://www.operationsick.com/articles/20030106_srilankachildrentaken.asp. See also U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Sections 1g, 5 and 6d. Children recruited receive LTTE ideological and formal education, and compulsory physical training. The LTTE use children for work as cooks, messengers, clerks, and as laborers for building. See U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6d.

⁴¹⁰⁶ Coalition to Stop the Use of Child Soldiers, "Red Hand Day," *Newsletter*, March 2002. See also Amnesty International, *Sri Lanka Country Report 2003*; available from <http://web.amnesty.org/report2003/lka-summary-eng>.

⁴¹⁰⁷ 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, Part II, Section 2.1.5 [cited June 14, 2003; available from http://www2.unesco.org/wef/countryreports/sri_lanka/contents.html]. See also Government of Sri Lanka, *Compulsory Attendance of Children at Schools, Regulation No. 1 of 1997*; available from http://www.labour.gov.lk/documents/9_1_chap.htm.

⁴¹⁰⁸ 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 2003* [CD-ROM], Washington, D.C., 2003.

⁴¹⁰⁹ U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 5.

⁴¹¹⁰ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report. Also, a significant number of children with disabilities, particularly girls, do not have access to special education programs, and special schools are concentrated in the more urbanized western province. See UN Committee on the Rights of the Child, *Concluding Observations*, Par. 36-37.

⁴¹¹¹ *Ibid.*, para. 42-43.

the North and East of Sri Lanka have been badly affected by the civil war; UNICEF estimates that one third of the school-aged children have dropped out or have never attended school.⁴¹¹² In July 2003, with funding from the European Union, 55 schools were opened in the North as part of efforts to rebuild conflict-affected areas.⁴¹¹³

Child Labor Laws and Enforcement

Minimum age for employment in most occupations is 14 years. Gazette No. 1116/5 sets the minimum age for employment in domestic work at 14 years.⁴¹¹⁴ The Shop and Office Employees Act of 1954 prohibits the employment of children under the age of 14 in shops and offices.⁴¹¹⁵ The Employment of Women, Young Persons, and Children Act No. 47 of 1956, prohibits work by children that may be injurious, work by children during school hours, and work by children under 18 years in industrial settings at night.⁴¹¹⁶ In 2003, this Act was amended to allow children below 14 years old to work only in part-time family agricultural work or participate in technical training. Children below 14 years old are prohibited to work in any family-run industrial operations. Children under 15 years are no longer allowed to work at sea on family-owned vessels.⁴¹¹⁷ The Factories Ordinance allows for the employment of 14 year olds and calls for medical certification of children under 16 years old, and prohibits children below 18 years old from engaging in hazardous employment.⁴¹¹⁸ In January 2000, Parliament repealed a regulation permitting domestic employment for children as young as 12 years old.⁴¹¹⁹ Forced labor is prohibited under the Abolition of Slavery Ordinance of 1844.⁴¹²⁰ The Penal Code contains provisions prohibiting sexual violations against children, particularly with regard to child pornography, child prostitution, and the trafficking of children.⁴¹²¹ Penalties for trafficking children includes imprisonment of 5 to 20 years and a fine.⁴¹²² The minimum age for recruitment into the armed forces is 18 years old.⁴¹²³

⁴¹¹² In the conflict affected areas, 836 out of 980 primary schools are functioning primary schools; 7 percent have sanitation facilities and 60 percent have access to safe water. The average dropout rate in these areas is 15.8 percent compared with the national average of 3.9 percent. There is a severe teacher shortage with approximately 25 percent of all posts vacant in the North and East. However, the ceasefire between the government and the LTTE has allowed for the return of internally displaced people. See UNICEF, Humanitarian Action Report, 274-75.

⁴¹¹³ *EU Opens Rebuilt S. Lanka Schools in War-Hit North*, (Reuters Limited), [hard copy on file] July 22, 2003.

⁴¹¹⁴ U.S. Embassy- Sri Lanka, letter to USDOL official, September 21, 2000. However, younger children are allowed to be employed by their parents or guardians for limited work in agriculture. See *Employment of Women, Young Persons, and Children Act No. 47 of 1956*, Part III, para 14(1) (a) (i); available from http://www.labour.gov.lk/documents/4_5_chap.htm.

⁴¹¹⁵ Government of Sri Lanka, *Shop and Office Employees Act No. 19 of 1954*; available from http://www.labour.gov.lk/documents/4_4_Chap.htm.

⁴¹¹⁶ The Children and Young Persons Ordinance of 1956 also has similar provisions that address the employment of children. See *Employment of Women, Young Persons, and Children Act*, Part II, para 7 (2) (a).

⁴¹¹⁷ The amendment increased penalties for child labor violations to Rs 10,000 (approximately USD 100) and 12 months imprisonment. See the *Employment of Women, Young Persons, and Children (Amendment Act) No. 8 of 2003* as cited in U.S. Embassy- Colombo, *unclassified telegram no. 1436*. See also Government of Sri Lanka, *Employment of Women, Young Persons, and Children (Amendment) Act No. 8 of 2003*, (March 17, 2003), [hard copy on file]. For currency conversion, see FXConverter, [online] [cited October 10, 2003]; available from <http://www.oanda.com/convert/classic>.

⁴¹¹⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

⁴¹¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Sri Lanka*, Washington, D.C., March 4, 2002, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8241.htm>. There is no clear legal definition of the child applicable throughout the country and existing age limits in various areas such as marriage, child labor, and the penal code provisions on child sexual abuse are not in compliance with international standards. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 22.

⁴¹²⁰ U.S. Embassy- Sri Lanka, letter to USDOL official, November 8, 2001. See also U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6c.

⁴¹²¹ Government of Sri Lanka, *Penal Code (Amendment)*, 1995, Act no. 22. See also Government of Sri Lanka, *Penal Code (Amendment)*, 1998, Act no. 29.

⁴¹²² U.S. Department of State, *Country Reports- 2002: Sri Lanka*, Section 6f.

⁴¹²³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers 1379 Report*, [online] 2002 [cited June 14, 2003], 90; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

In October 2002, the police opened an office to support NCPA investigations into child abuse and to arrest suspects based on those investigations.⁴¹²⁴ The NCPA also has a cyber watch unit to monitor websites for advertisements soliciting children.⁴¹²⁵ The NCPA is the central agency for coordinating and monitoring action on the protection of children.⁴¹²⁶ 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 in their respective jurisdictions.⁴¹²⁷

From January to July 2003, a total of 102 complaints on child labor violations were reported by the Department of Labor, of which 23 were prosecuted.⁴¹²⁸ In 2002, international monitors received over 600 complaints about child abductions, indicating the LTTE increased recruitment of children despite the ceasefire accord.⁴¹²⁹ Though there are fewer reported cases of child recruitment since early 2003, significant numbers of released children are yet to be seen.⁴¹³⁰

The Government of Sri Lanka ratified ILO Convention 138 on February 11, 2000, and ILO Convention 182 on March 1, 2001.⁴¹³¹

⁴¹²⁴ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

⁴¹²⁵ *Ibid.*

⁴¹²⁶ ILO, *The ILO-Japan Asian Meeting*. See also U.S. Embassy- Colombo, *unclassified telegram no. 1856*.

⁴¹²⁷ U.S. Embassy- Sri Lanka, letter, November 8, 2001.

⁴¹²⁸ U.S. Embassy- Colombo, *unclassified telegram no. 1436*.

⁴¹²⁹ The Sri Lanka Monitoring Mission (SLMM) was set up of representatives from Nordic countries to verify the implementation of the ceasefire agreement. At the end of 2002, the SLMM found that 313 cases out of 603 complaints regarding child recruitment were violations of the ceasefire agreement. See Amnesty International, *Sri Lanka Country Report*.

⁴¹³⁰ UNICEF indicates that more releases of child combatants may come once relief mechanisms are in place. See Lindsay Beck, *S. Lanka Rebels Said Recruiting Fewer Children*, (Reuters Limited), Reuters, [hard copy on file] May 8, 2003.

⁴¹³¹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Suriname developed a Policy Plan Concerning Children 2002–2006, which addresses the worst forms of child labor and child policy in general.⁴¹³² In 2001, the ILO initiated a two-year 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. As part of this effort, a survey to assess the situation of children working in mining, agriculture, and other worst forms of child labor in Suriname was released in 2003.⁴¹³³ The government's Bureau for Child Rights, which became operational in June 2001,⁴¹³⁴ works with UNICEF to address the violation of children's rights and to promote educational opportunities.⁴¹³⁵

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.⁴¹³⁶ 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.⁴¹³⁷ The Ministry of Social Affairs and Housing provides child allowances, free medical care and subsidies for school uniforms, shoes and supplies for targeted low-income households.⁴¹³⁸

Incidence and Nature of Child Labor

In 2001, the ILO reported that less than 1 percent of children ages 10 to 14 years in Suriname were working.⁴¹³⁹ According to the ILO child labor assessment, children work in agriculture, fishing, timber production, mining, domestic service in third-party homes, construction, the furniture industry, and as vendors selling a variety of goods.⁴¹⁴⁰ The report found that while hours of work vary substantially, some children work more than five hours per day.⁴¹⁴¹ Children also work without adult supervision in some cases.⁴¹⁴² Children working in mining are exposed to dangerous substances such as mercury.⁴¹⁴³

⁴¹³² The government established a steering committee composed of representatives from relevant agencies to coordinate and implement the plan. See Department of Labour, Technological Development, and Environment, *Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labour*, October 11, 2002.

⁴¹³³ Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour: A Rapid Assessment*, ILO Subregional Office for the Caribbean, Port of Spain, November 2002; available from http://www.ilocarib.org.tt/system_links/link6tst.html. See also ILO official, electronic correspondence on ILO/CIDA Regional Child Labour Project to USDOL official, October 6, 2003. 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. See Arnold Halfhide, letter to USDOL official, November 29, 2000.

⁴¹³⁴ ECPAT International, *Suriname*, in ECPAT International, [database online] 2003 [cited July 7, 2003], "Protection"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁴¹³⁵ U.S. Embassy– Paramaribo, *unclassified telegram no. 972*, October 16, 2002.

⁴¹³⁶ ECPAT International, *Suriname*, "Protection".

⁴¹³⁷ Ibid.

⁴¹³⁸ UNICEF, *National Report on Follow-up to the World Summit on Children: Suriname*, 2001, 22; available from http://www.unicef.org/specialsession/how_country/edr_suriname_en.PDF

⁴¹³⁹ According to the ILO, 0.4 percent of children were working. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴¹⁴⁰ Marten Schalkwijk and Wim van den Berg, *Suriname The Situation of Children in Mining, Agriculture, and other Worst Forms of Child Labour*, 30, 46, 52, 60.

⁴¹⁴¹ Ibid., 49, 57.

⁴¹⁴² Ibid., 60.

⁴¹⁴³ Ibid., 70, 74.

The Constitution of Suriname mandates free and compulsory primary education.⁴¹⁴⁴ Under the Compulsory School Attendance Act, children in Suriname must be provided with the opportunity to attend school between ages 7 and 12.⁴¹⁴⁵ 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.⁴¹⁴⁶ In 2000, 84 percent of children who entered the first grade of primary school reached the fifth grade.⁴¹⁴⁷ Problems in the education system include inefficient allocation of resources, lack of accountability for teachers, very limited monitoring of school performance, low quality, high repetition rates, and high dropout rates at the secondary school level.⁴¹⁴⁸ In addition, school is taught in Dutch and many students do not speak Dutch at home.⁴¹⁴⁹ 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.⁴¹⁵⁰ Lack of transportation, facilities, and teachers poses barriers to school attendance.⁴¹⁵¹

Child Labor Laws and Enforcement

The Labor Act sets the minimum age for employment at 14 years.⁴¹⁵² 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.⁴¹⁵³ Article 20 of the Labor Act prohibits children from performing night work or work that is dangerous to their health, life or morals.⁴¹⁵⁴

The Constitution prohibits forced labor.⁴¹⁵⁵ Prostitution is illegal,⁴¹⁵⁶ and procuring a minor child for sexual activities is prohibited by the Criminal Code.⁴¹⁵⁷ The legal age for sexual consent is 14 years.⁴¹⁵⁸

⁴¹⁴⁴ Right to Education, *Constitutional Guarantees: Suriname*, [database online] [cited July 7, 2003]; available from <http://www.right-to-education.org/content/consuarant/suriname.html>.

⁴¹⁴⁵ UN Committee on the Rights of the Child, *Initial Report of States Parties Due in 1995*, CRC/C/28/Add.11, prepared by Government of Suriname, pursuant to Article 44 of the Convention on the Rights of the Child, September 1998, para. 118; available from <http://www.hri.ca/fortherecord2000/documentation/tbodies/crc-c-28-add11.htm>.

⁴¹⁴⁶ Government of Suriname, *Multiple Indicator Cluster Survey 2- Suriname: Final Report (draft)*, UNICEF, April 16, 2001, 6; available from <http://childinfo.org/MICS2/newreports/surinam/surinamreport.PDF>.

⁴¹⁴⁷ *Ibid.*

⁴¹⁴⁸ Less than one percent of children finish senior secondary school (12 years of schooling). See IDB, *Profile I- Suriname: Support for Primary Education*, project document, February 10, 2000, 2, 4; available from <http://www.iadb.org/EXR/doc98/pro/psu0023.pdf>.

⁴¹⁴⁹ *Ibid.*, 4.

⁴¹⁵⁰ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*, October 2001.

⁴¹⁵¹ U.S. Department of State, *Country Reports- 2002: Suriname*, Section 5.

⁴¹⁵² U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

⁴¹⁵³ Halfhide, letter, November 29, 2000.

⁴¹⁵⁴ *Ibid.*

⁴¹⁵⁵ *Constitution of Suriname 1987, with 1992 reforms*, Article 15; available from <http://www.georgetown.edu/pdba/Constitutions/Suriname/english.html>.

⁴¹⁵⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Suriname*, Washington, DC, June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277pf.htm>.

⁴¹⁵⁷ Article 305 as cited in *Suriname: Articles relating to trafficking of women and children, prostitution, coercion, and procuring*, in The Protection Project Legal Library, [database online] [cited July 7, 2003]; available from <http://209.190.246.239/protectionproject/statutesPDF/Suriname.pdf>.

⁴¹⁵⁸ 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. See U.S. Department of State, *Country Reports- 2002: Suriname*, Section 5.

The country's Labor Inspection Office, in cooperation with the Juvenile Police Division, enforces child labor laws.⁴¹⁵⁹ Although the government has enacted laws to combat child labor, enforcement remedies are not adequate, partly because there are too few labor inspectors and a penalty structure that fails to deter employers.⁴¹⁶⁰ About 20 labor inspections are conducted in Suriname annually; no violations of child labor laws were discovered in 2002.⁴¹⁶¹ The Labor Inspection office, however, does not enforce the laws in the informal sector.⁴¹⁶²

The Government of Suriname has not ratified ILO Convention 138 or ILO Convention 182.⁴¹⁶³

⁴¹⁵⁹ U.S. Embassy- Paramaribo, *unclassified telegram no. 810*.

⁴¹⁶⁰ Ibid.

⁴¹⁶¹ U.S. Embassy- Paramaribo, *unclassified telegram no. 972*.

⁴¹⁶² Ibid.

⁴¹⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 7, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The National Program of Action for children, implemented in 1992, involved the formation of government committees on children's issues.⁴¹⁶⁴ The program addressed most articles of the UN Convention on the Rights of the Child except free and compulsory primary education, which the government cannot ensure due to financial constraints.⁴¹⁶⁵ 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.⁴¹⁶⁶ The Government of Swaziland, with a loan from the World Bank, is implementing a project on the protection of children and orphans, which will make education and health care more accessible to the most vulnerable children in the country.⁴¹⁶⁷ The project will also provide rehabilitation and reintegration services to street children and provide social protection to orphans and vulnerable children.⁴¹⁶⁸

UNICEF and Save the Children Swaziland have projects designed to improve the education system in Swaziland. UNICEF's program focuses on improving gender equity in schools and generally improving the overall quality of education.⁴¹⁶⁹ Save the Children Swaziland has implemented programs to promote inclusive education for disabled children⁴¹⁷⁰ and also improve awareness of HIV/AIDS.⁴¹⁷¹

Incidence and Nature of Child Labor

In 2000, the Government of Swaziland and UNICEF estimated that 11.3 percent of children ages 5 to 14 years were working.⁴¹⁷² Children work in agriculture (particularly in the eastern region), and as domestics and herders.⁴¹⁷³ There are reports that girls from Mozambique have been involved in child prostitution in Swaziland.⁴¹⁷⁴

Education is neither free nor compulsory in Swaziland. The government pays teacher salaries, while student fees and money raised from the community pay for costs such as building upkeep and teacher housing.⁴¹⁷⁵ In 2000,

⁴¹⁶⁴ The Honorable Dr. Phetsile Dlamini, Minister of Health and Social Welfare, Statement at the United Nations Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/swazilandE.htm>. See also 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; available from http://www.ecs.co.sz/ccca/cca_4.htm.

⁴¹⁶⁵ UNICEF and Government of Swaziland Ministry of Education, "The National Programme of Action"

⁴¹⁶⁶ Dlamini, Statement at the United Nations Special Session on Children.

⁴¹⁶⁷ *Swaziland - Protection of Children and Orphans*, World Bank, [online] 2002 [cited June 2, 2003]; available from http://www-wds.worldbank.org/servlet/WDS/ContentServer/WDSP/IB/2002/05/20/000094946_02051604414058/Rendered/PDF/multi0page.pdf.

⁴¹⁶⁸ Ibid.

⁴¹⁶⁹ *Girls' Education in Swaziland*, UNICEF, [online] [cited June 2, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Swazilandfinal.pdf.

⁴¹⁷⁰ Save the Children, *Disability*, Save the Children Swaziland, [previously online] April 14, 2003 [cited May 14, 2003]; available from <http://www.savethechildren.net/swaziland/update/editor/readnew.asp?id=202> [hard copy on file].

⁴¹⁷¹ Save the Children, *HIV/AIDS*, Save the Children Swaziland, [previously online] April 14, 2003 [cited May 14, 2003]; available from <http://www.savethechildren.net/swaziland/update/editor/readnew.asp?id=194> [hard copy on file].

⁴¹⁷² Government of Swaziland, *Multiple Indicator Cluster Survey Model: Full Report*, 2000, 25; available from <http://www.childinfo.org/MICS2/newreports/swaziland/swaziland.pdf>. In 2001, the ILO estimated that 12 percent of children ages 10 to 14 were in the labor force. See *World Bank, World Development Indicators 2003* [CD-ROM], Washington: D.C., 2003.

⁴¹⁷³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Swaziland*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18229.htm>.

⁴¹⁷⁴ Ibid., Section 5.

⁴¹⁷⁵ Ibid.

the gross primary school enrollment rate was 124.6 percent, and the net primary school enrollment rate was 93 percent.⁴¹⁷⁶ In 1999, 84 percent of children enrolled in primary school reached grade 5.⁴¹⁷⁷

Child Labor Laws and Enforcement

The minimum age of employment is set at 15 years for industrial work, although children may work in the commercial sector beginning at age 13.⁴¹⁷⁸ 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.⁴¹⁷⁹ The law allows children under 15 to work in industrial firms that only employ family members or in technical schools under supervision, and limits children to 6 hours of work per day and 33 hours per week.⁴¹⁸⁰ The Ministry of Labor is responsible for enforcing child labor laws, but its effectiveness is limited by a lack of personnel.⁴¹⁸¹

The Criminal Code prohibits the procurement of a girl for purposes of prostitution.⁴¹⁸² There is no law prohibiting trafficking in persons.⁴¹⁸³

The Government of Swaziland ratified ILO Convention 138 and ILO Convention 182 on October 23, 2002.⁴¹⁸⁴

⁴¹⁷⁶ World Bank, *World Development Indicators* 2003. In 1996 the government reported a 90.6 percent primary school attendance rate. See also Government of Swaziland, *Multiple Indicator Cluster Survey*.

⁴¹⁷⁷ World Bank, *World Development Indicators* 2003.

⁴¹⁷⁸ ILO-IPEC, *Report VI (1) Child Labour: Targeting the Intolerable*, Geneva, 1998, 77; available from <http://www.ilo.org/public/english/comp/child/publ/target/target.pdf>. The minimum age for light work varies between 13 and 15 years of age depending on the sector

⁴¹⁷⁹ Ibid.

⁴¹⁸⁰ U.S. Department of State, *Country Reports- 2002: Swaziland*, Section 6d.

⁴¹⁸¹ Ibid.

⁴¹⁸² The Protection Project, "Swaziland," in *Human Rights Report on the Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Swaziland.pdf>.

⁴¹⁸³ U.S. Department of State, *Country Reports- 2002: Swaziland*, Section 6f

⁴¹⁸⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited May 14, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Tanzania became a member of ILO-IPEC in 1994.⁴¹⁸⁵ Since 1995, ILO-IPEC has implemented 40 action programs in Tanzania to address child labor.⁴¹⁸⁶ 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.⁴¹⁸⁷ 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.⁴¹⁸⁸ 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.⁴¹⁸⁹ 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.⁴¹⁹⁰

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.⁴¹⁹¹ 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 by 2010, in line with Tanzania's National Development Provision 2025 and the country's poverty eradication strategy. The first phase of this project, with funding from USDOL, aims to combat child labor in abusive forms of domestic work and in the commercial sex, commercial agriculture and mining sectors in 11 districts.⁴¹⁹² 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.⁴¹⁹³

The Government of Tanzania has included elimination of child labor as an objective of its Poverty Reduction Strategy Paper and has included preparation of a child labor action plan in its workplan.⁴¹⁹⁴ The strategy paper es-

⁴¹⁸⁵ ILO-IPEC, *All About IPEC: Programme Countries*; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴¹⁸⁶ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labour*, Dar es Salaam, 2001. ¹⁴

⁴¹⁸⁷ Ibid.

⁴¹⁸⁸ Ibid.

⁴¹⁸⁹ Kiwohede, *Annual Activity Report for the Year 1999-2000*, Kiota Women Health and Development Organisation, Dar es Salaam, 2000, 8-9. See also Bill Rauz for ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, no. 1, Geneva, July 2002, 49.

⁴¹⁹⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tanzania*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18230.htm>.

⁴¹⁹¹ ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children Engaged in Hazardous Work in the Commercial Agricultural Sector in Africa*, program document, November 1, 2000.

⁴¹⁹² 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; available from <http://www.ilo.org/public/english/standards/relm/ilc/ilc89/a-mkapa.htm>.

⁴¹⁹³ 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. 2966*, October 23, 2002.

⁴¹⁹⁴ United Republic of Tanzania, *Poverty Reduction Strategy Paper: Progress Report 2000/2001*, August 14, 2001, 4, 43.

established the Poverty Monitoring Master Plan (PMMP), which includes children in the labor force as a poverty monitoring indicator.⁴¹⁹⁵ From April 2000 to March 2001, the government conducted a child labor survey with technical assistance from ILO-IPEC's SIMPOC.⁴¹⁹⁶ In May 2003 the Tanzanian Ministry of Labor and the National Bureau of Statistics released the Integrated Labor Force Survey for 2000/1, which updates the 1990/91 national labor survey. The ILFS includes data regarding children in the labor force.⁴¹⁹⁷

Tanzania's Basic Education Master Plan 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 15.⁴¹⁹⁸ Under the plan, the government abolished school fees to promote children's enrollment in primary school.⁴¹⁹⁹ With support from UNICEF, the Ministry of Education and Culture has launched a 3-year program, Complementary Basic Education in the United Republic of Tanzania, to help children who have dropped out of school reintegrate into the system.⁴²⁰⁰ The Ministry of Education and Culture has launched a Community Education Fund with World Bank support to improve the school infrastructure.⁴²⁰¹ 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.⁴²⁰² 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.⁴²⁰³ In June 2002, the Government of Tanzania 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 2015.⁴²⁰⁴ In 1997, Tanzania joined ILO-IPEC's 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.⁴²⁰⁵

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

⁴¹⁹⁵ Government of Tanzania, *The United Republic of Tanzania Poverty Monitoring Master Plan - Tanzania*, ILO, [online] 2001 [cited August 15, 2003]; available from http://www.logos-net.net/ilo/150_base/en/init/tan_2.htm.

⁴¹⁹⁶ 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, 6. See also United Republic of Tanzania, letter to USDOL official, October 4, 2002.

⁴¹⁹⁷ U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1948*, August 18, 2003.

⁴¹⁹⁸ 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 available from <http://www2.unesco.org/wef/countryreports/tanzania/contents.html>.

⁴¹⁹⁹ United Republic of Tanzania, letter, October 4, 2002.

⁴²⁰⁰ Minja-Trupin and Trupin, *Time Bound Programme on the Worst Forms of Child Labour in Tanzania: Summary Report*, 16. See also ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, 45.

⁴²⁰¹ Minja-Trupin and Trupin, *Time Bound Programme on the Worst Forms of Child Labour in Tanzania: Summary Report*, 16.

⁴²⁰² World Bank, *Tanzania: Primary Education Development Program*, PID10068, August 13, 2001, 2.

⁴²⁰³ United Republic of Tanzania, letter, October 4, 2002.

⁴²⁰⁴ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

⁴²⁰⁵ 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.

parents to AIDS.⁴²⁰⁶ HIV/AIDS has led to many children being orphaned and left vulnerable to child labor because of the need to provide for themselves.⁴²⁰⁷

Under its strategy paper, Tanzania established an Education Fund to support children from poor families.⁴²⁰⁸ 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.⁴²⁰⁹

Incidence and Nature of Child Labor

In the 2000/2001 labor force survey, ILO-IPEC and the National Bureau of Statistics of Tanzania, reported that 39.6 percent of children ages 5 to 17 were economically active, while 47.8 percent were engaged in housekeeping activities.⁴²¹⁰ Participation in economic activities was highest in rural areas, while urban areas claimed the higher proportion of engagement in activities within the household.⁴²¹¹ Of economically active children, 97 percent are unpaid and working for family members.⁴²¹²

Children work on commercial tea,⁴²¹³ coffee,⁴²¹⁴ sugar cane,⁴²¹⁵ sisal,⁴²¹⁶ cloves,⁴²¹⁷ and tobacco farms,⁴²¹⁸ and in the production of corn, green algae (seaweed), pyrethrum, rubber, and wheat.⁴²¹⁹ Children also work in underground mines.⁴²²⁰ 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.⁴²²¹ In the informal sector, children are engaged in scavenging, fishing, fish processing, informal quarrying, and work in informal

⁴²⁰⁶ USAID, *Social Action Trust Fund Provides Credit for Entrepreneurs and Education for Orphans*; available from http://www.usaid.gov/regions/afr/success_stories/tanzania.html.

⁴²⁰⁷ ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 12.

⁴²⁰⁸ United Republic of Tanzania, *Poverty Reduction Strategy Paper*, 4, 44.

⁴²⁰⁹ UNESCO, *EFA Country Report: Tanzania*.

⁴²¹⁰ According to the survey, economically active children are defined as working children and housekeeping activities include cooking, cleaning, washing dishes, taking care of young children or the elderly, and shopping. National Bureau of Statistics, *Child Labor in Tanzania, Country Report: 2000/2001 Integrated Labour Force and Child Labour Survey*, no date, xii, 30.

⁴²¹¹ *Ibid.*, 30.

⁴²¹² *Ibid.*, 41.

⁴²¹³ M. J. Gonza and P. Moshi, *Tanzania Children Working in Commercial Agriculture-Tea: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002.

⁴²¹⁴ George S. Nchahaga, *Children Working in Commercial Agriculture- Coffee: A Rapid Assessment*, ILO-IPEC, Geneva, 2002, 29-32.

⁴²¹⁵ 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.

⁴²¹⁶ A plant that yields a stiff fiber used for cordage and rope. See ILO-IPEC, *Tanzania: Focusing on the Worst Forms of Child Labor*, 15.

⁴²¹⁷ *Ibid.*

⁴²¹⁸ A. Masudi, A. Ishumi, F. Mbeo, and W. Sambo, *Tanzania Child Labour in Commercial Agriculture-Tobacco: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001.

⁴²¹⁹ U.S. Department of Labor, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor* (Volume 5), Washington, D.C., 1998, 165.

⁴²²⁰ J. A. Mwami, A. J. Sanga, and J. Nyoni, *Tanzania Children Labour in Mining: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002, 37-39. See also *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.

⁴²²¹ Mwami, Sanga, and Nyoni, *Tanzania Children Labour in Mining*, 37-39.

garages.⁴²²² Children also work in domestic service.⁴²²³ In 2000, the survey indicated that children younger than 17 years comprise 80 percent of domestic workers.⁴²²⁴ Other children work as barmaids, street vendors, car washers, shoe shiners, carpenters, and auto repair mechanics.⁴²²⁵ Girls as young as 7 years old, and increasingly boys, are reportedly subject to commercial sexual exploitation.⁴²²⁶ Children from Kenya, Uganda and Rwanda have also been identified engaging in prostitution in Tanzania.⁴²²⁷

According to reports, children have been trafficked to work in the fishing industry, mines, commercial agriculture, and domestic service.⁴²²⁸ 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, barmaids, and in hair salons.⁴²²⁹ It is reported that female children are trafficked from Tanzania to South Africa, the Middle East, North Africa, Europe and the United States for the purpose of commercial sexual exploitation.⁴²³⁰ Children in the country's large refugee population have been particularly vulnerable to being trafficked to work on commercial farms.⁴²³¹ Some have also been taken from refugee camps to be trained as child soldiers in neighboring countries.⁴²³²

Education in Tanzania is compulsory for 7 years, until children reach the age of 15, but families must pay for enrollment fees, books and uniforms.⁴²³³ In 2000, the gross primary enrollment rate was 63.0 percent, and the net primary enrollment rate was 46.7 percent.⁴²³⁴ In 2001, 56.9 percent of children aged 5 to 17 attended school.⁴²³⁵ In 1999, 81.8 percent of children enrolled in primary school reached grade 5.⁴²³⁶

⁴²²² C. Kadonya, M. Madihi, and S. Mtwana, *Tanzania Child Labour in the Informal Sector: A Rapid Assessment*, ILO-IPEC, Geneva, January 2002, 33-48. See also 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- 2002: Tanzania*, Section 6d.

⁴²²³ U.S. Department of State, *Country Reports- 2002: Tanzania*, Section 6d.

⁴²²⁴ ILO-IPEC, *Combating Child Labour and HIV/AIDS in Sub-Saharan Africa*, 41.

⁴²²⁵ U.S. Department of Labor, *By the Sweat and Toil of Children*, 165.

⁴²²⁶ U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1948*. See also The Protection Project, "Tanzania," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Tanzania.pdf>.

⁴²²⁷ 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, 20.

⁴²²⁸ U.S. Department of State, *Country Reports- 2002: Tanzania*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Tanzania*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

⁴²²⁹ Kamala, Lusinde, Millinga, Mwaitula, Gonza, Juma, and Khamis, *Tanzania Children in Prostitution*, 20. See also U.S. Department of State, *Trafficking in Persons Report: Tanzania*.

⁴²³⁰ U.S. Department of State, *Trafficking in Persons Report: Tanzania*.

⁴²³¹ Ibid.

⁴²³² Ibid.

⁴²³³ U.S. Department of State, *Country Reports- 2002: Tanzania*, Section 5.z

⁴²³⁴ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴²³⁵ School attendance peaked in the 10 to 14 age group, or the age of completion of primary school. See National Bureau of Statistics, *2000/2001 Integrated Labour Force Survey*, 24-25.

⁴²³⁶ World Bank, *World Development Indicators 2003*.

Child Labor Laws and Enforcement

The Employment Ordinance of 1956 sets the minimum age for employment at 15 years, and prohibits children from working near machinery or engaging in underground work. The law does not restrict children from working in agriculture.⁴²³⁷ 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.⁴²³⁸ Tanzania's Constitution prohibits forced or compulsory labor.⁴²³⁹ Tanzanian law considers sexual intercourse with a child under the age of 18 as rape,⁴²⁴⁰ which is punishable with life imprisonment.⁴²⁴¹ The Tanzanian Penal Code was amended in 2001 to include a provision criminalizing trafficking within or outside Tanzania.⁴²⁴² 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, as the secretariat for the National Child Labour Elimination Steering Committee, 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.⁴²⁴³ At the community level, child labor monitoring committees have been established in areas with a high frequency of child labor.⁴²⁴⁴

The Government of Tanzania ratified ILO Convention 138 on December 16, 1998, and ratified ILO Convention 182 on September 12, 2001.⁴²⁴⁵

⁴²³⁷ 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 1.95 to 3.90) 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. See also United Republic of Tanzania, letter, October 4, 2002. See also FXConverter, [cited September 23, 2003]; available from <http://www.oanda.com/convert/classic>.

⁴²³⁸ Law Reform Commission of Tanzania, *Report of the Commission*, 131.

⁴²³⁹ *Constitution of the United Republic of Tanzania of 1977*, Chapter 1, Section 25(2); available from <http://www.tanzania.go.tz/images/theconstitutionoftheunitedrepublicoftanzania1.pdf>. See also U.S. Department of State, *Country Reports- 2002: Tanzania*, Section 6c.

⁴²⁴⁰ *Sexual Offences Special Provisions Act, 1998 (Act No. 4 of 1998)*, (July 1, 1998), Section 5(2)(e). See also U.S. Department of State, *Country Reports- 2002: Tanzania*, Section 5.

⁴²⁴¹ *Sexual Offences Special Provisions Act*, Section 6(2).

⁴²⁴² U.S. Department of State, *Trafficking in Persons Report: Tanzania*.

⁴²⁴³ National Roundtable Discussion on the Time-Bound Program on the Worst Forms of Child Labor, Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary of the Institutional and Policy Study, April, 2001, 15-16.

⁴²⁴⁴ ILO-IPEC, *Supporting the Time-Bound Program*, 17-18. See also U.S. Embassy- Dar es Salaam, *unclassified telegram no. 1948*.

⁴²⁴⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Thailand became one of the six original countries to participate in ILO-IPEC in 1992.⁴²⁴⁶ In addition, the government has adopted national plans of action to address child labor,⁴²⁴⁷ the commercial sexual exploitation of children,⁴²⁴⁸ and trafficking of women and children.⁴²⁴⁹ In December 1999, the Ministry of Social Development and Human Security's Department of Public Welfare created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-Region.⁴²⁵⁰

The Department of Public Welfare maintains a child labor reporting hotline. The Department 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.⁴²⁵¹ The Ministry provides vocational training to improve children's skills and prevent them from entering work prematurely.⁴²⁵² The Department of Social Welfare has established shelters for street children,⁴²⁵³ and the Department of Social Development and Welfare provides legal assistance to child victims, including counseling and rehabilitation services.⁴²⁵⁴

The government works on trafficking with the governments of neighboring countries, NGOs and international organizations by raising awareness, providing shelters and social services, and by assisting in the repatriation of victims.⁴²⁵⁵ Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom to combat

⁴²⁴⁶ Anti-child labor activities actually date back to 1982, when the Government of Thailand established the Committee on Prevention and Suppression of Abusive Exploitation of Child Labor, 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. ILO-IPEC, *The Situation of Child Labor in Thailand: A Comprehensive Report*, Bangkok, June 1998, 102-05. 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. ILO-IPEC, *Programme Countries*; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm

⁴²⁴⁷ Ministry of Labor and Social Welfare, *National Child Labor Prevention and Solution Plan (1997-2001)*, ILO-IPEC translation, Bangkok, April 1997. The Ministry of Labor and Social Welfare is the former name of the Ministry of Social Development and Human Security. From 1994-1999, IPEC supported 70 child labor projects in Thailand, including government efforts to combat child labor. See Royal Thai Embassy, facsimile communication, September 17, 2002, 5.

⁴²⁴⁸ 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.

⁴²⁴⁹ *Ibid.*, 6. See also U.S. Embassy- Bangkok, electronic communication to USDOL official, February 23, 2004.

⁴²⁵⁰ 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. See "Thailand Country Paper", 7-8. Another committee, the National Committee on Trafficking in Women and Children, focuses on trafficking within Thailand. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Thailand*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18265.htm>.

⁴²⁵¹ 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.

⁴²⁵² "Thailand Country Paper", 8.

⁴²⁵³ U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000.

⁴²⁵⁴ Formerly titled Department of Public Welfare. 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.

⁴²⁵⁵ Thailand has an MOU with Laos that covers victim repatriation, and is negotiating an MOU with the Kingdom of Cambodia. U.S. Department of State, *Trafficking in Persons Report- 2003: Thailand*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#thailand>. DSDW assisted 913 foreign victims between 2000-2002, of whom 770 were repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

trafficking of women and children for exploitative labor in the Mekong,⁴²⁵⁶ and a USDOL-funded project to combat the involvement of children in the drug/trade.⁴²⁵⁷ The Department of Social Development and Welfare and IOM cooperate in assisting foreign trafficking victims in Thailand,⁴²⁵⁸ and the department works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.⁴²⁵⁹ U.S. Department of State supports a number of NGO and government efforts, particularly of the Ministry of Justice, the Royal Thai police force, and the Department of Social Development and Welfare, to combat trafficking through increasing public awareness, strengthening victim protection and improving the prosecution of traffickers.⁴²⁶⁰ USDOL also supports the International Justice Mission's counter-trafficking efforts that include work with government law enforcement officials and rehabilitation officers.⁴²⁶¹

The Education Reform Office was established in 2000 to manage broad reforms mandated under the National Education Act of 1999. These reforms include management decentralization and increased quality of education, with the aim of achieving universal access to 12 years of free education.⁴²⁶² The Ministry of Education's Department of Non-Formal Education provides basic education and vocational education to out-of-school and disadvantaged children.⁴²⁶³ 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.⁴²⁶⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 11.5 percent of children ages 10 to 14 years in Thailand were working.⁴²⁶⁵ Children work in the agriculture, construction,⁴²⁶⁶ manufacturing, industrial services,⁴²⁶⁷ and the fishing sector.⁴²⁶⁸

⁴²⁵⁶ 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. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] May 27, 2003 [cited July 3, 2003]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>.

⁴²⁵⁷ 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, cover.

⁴²⁵⁸ "Thailand Country Paper", 8.

⁴²⁵⁹ Royal Thai Embassy, facsimile communication, September 5, 2002, 9.

⁴²⁶⁰ U.S. Embassy- Thailand, *Factsheet on Trafficking in Persons*; available from <http://www.usa.or.th/services/docs/reports/humanfacts02.htm>.

⁴²⁶¹ International Justice Mission, Thailand Sex Trafficking Task Force: *Prevention and Placement*, E-9-K-2-0076, Bangkok, September 30, 2002.

⁴²⁶² U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6d.

⁴²⁶³ Ministry of Education, *Department of Non-Formal Education*, Government of Thailand, [cited July 23, 2003]; available from <http://www.nfe.go.th/en.htm>.

⁴²⁶⁴ 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.

⁴²⁶⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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.

⁴²⁶⁶ ILO-IPEC, *The Situation of Child Labor in Thailand*, 8.

⁴²⁶⁷ Ministry of Labor and Social Welfare, *National Child Labor Prevention*, 6.

⁴²⁶⁸ Vichitra Phromphanthum, *Study Report: The Worst Forms of Child Labor*, ILO-IPEC and Office of the Permanent Secretary for Ministry of Labor and Social Welfare, Bangkok, September 20, 2001.

Children also work in domestic service.⁴²⁶⁹ Reports indicate that children are involved in the trafficking of drugs in Thailand,⁴²⁷⁰ and are victims of commercial sexual exploitation, including child pornography.⁴²⁷¹ Thailand is a source, transit and destination country for the trafficking in persons for both labor and commercial sexual exploitation, including children. Trafficking is exacerbated by sex tourism.⁴²⁷² Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, China, and Laos for the purposes of commercial sexual exploitation.⁴²⁷³ Children are also trafficked into Thailand from Cambodia and Burma to work as beggars, in commercial sexual exploitation, in sweatshops,⁴²⁷⁴ and for domestic work.⁴²⁷⁵ Internal trafficking, especially of members of Northern Thailand stateless ethnic tribes, also occurs.⁴²⁷⁶

Several key provisions of the National Education Act of 1999 took full legal effect in 2002, mandating the extension of the compulsory education period to 9 years of schooling, beginning at age 7, and extension of cost free schooling to 12 years.⁴²⁷⁷ In 2000, the gross primary enrollment rate was 94.8 percent. The net primary enrollment rate for the same year was 85.4 percent, with 84.1 percent of girls enrolled compared to 86.7 percent of boys.⁴²⁷⁸ 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.⁴²⁷⁹

Child Labor Laws and Enforcement

Chapter Four of Thailand's Labor Protection Act of 1998 sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under age 18 are hired, and the law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. with written permission from the Director-General or a person assigned by the Director-General.⁴²⁸⁰ Children under age 18 may not be employed in hazardous

⁴²⁶⁹ *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.

⁴²⁷⁰ Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand*, ILO-IPEC, Bangkok, 1999. See also Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy Varatechakongka, *Thailand - Child Labor in Illicit Drug Activities: A Rapid Assessment*, ILO-IPEC, Geneva, August 2002.

⁴²⁷¹ ECPAT International, Thailand, in ECPAT International, [database online] 2002 [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁴²⁷² U.S. Department of State, *Trafficking in Persons- 2003: Thailand*. There are allegations of involvement of local officials, immigration officers, and police in trafficking. See U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f.

⁴²⁷³ U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f. See also Christina Wille, *Thailand - Lao People's Democratic Republic and Thailand - Myanmar Border Areas: Trafficking in Children into the Worst Forms of Child Labor: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001.

⁴²⁷⁴ U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f. For a report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see Human Rights Watch, *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan*, Asia/Women's Rights Divisions, Washington, D.C., September 2000, 62.

⁴²⁷⁵ Royal Thai Embassy, facsimile communication, September 5, 2002. See also Phlainoi, *Child Domestic Workers*.

⁴²⁷⁶ U.S. Department of State, *Trafficking in Persons- 2003: Thailand*.

⁴²⁷⁷ National Education Act B.E. 2542 and Excerpt of Office of the National Education Commission, *Education in Thailand*, Articles 10, 17, 1999, in U.S. Department of State official, facsimile communication to USDOL official, February 13, 2003.

⁴²⁷⁸ In 1998, 97.1 percent of children persisted to grade five as a percentage of the total cohort. World Bank, *World Development Indicators 2003*.

⁴²⁷⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴²⁸⁰ The Director-General may delegate authority to grant permission. 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>.

work, which is defined by the law to include any work involving hazardous chemicals, harmful temperatures or noise levels, exposure to toxic micro-organisms, the operation of heavy equipment, and work underground or underwater. The maximum penalty for violation of the child labor sections of the Labor Protection Act is one year of imprisonment and fines of 200,000 baht (USD 4,783).⁴²⁸¹

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 18.⁴²⁸² 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 16.⁴²⁸³ The Prevention and Suppression of Trafficking in Women and Children Act of 1997 expands the list of activities that can be sanctioned under the law, extends legal protection to victims from other countries, and provides for basic protection for victims.⁴²⁸⁴ The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.⁴²⁸⁵ The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who are either convicted of trafficking or work in prostitution.⁴²⁸⁶ The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.⁴²⁸⁷

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.⁴²⁸⁸ 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.⁴²⁸⁹ In general, the labor inspection system tends to be

⁴²⁸¹ 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. Under Section 50, children are banned from work in places where alcohol is sold, in hotels, or in massage parlors. Ibid., Sections 22, 49-50, 148. For currency conversion see FX Converter, [online] [cited July 24, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

⁴²⁸² Government of Thailand, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12; available from <http://natlex.ilo.org/txt/E96THA01.htm>. In September 2002 a mother who provided her two minor girls to sex tourists was given a five-year prison sentence. U.S. Department of State, *Country Reports- 2002: Thailand*, Section 5.

⁴²⁸³ Individuals who engage in CSE with children ages 16 to 18 are subject to jail terms of up to 15 years and fines of 20,000 to 300,000 baht (USD 491 to 7,174). 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 7,174 to 9,565). If fraud or coercion on the part of the patron is involved, penalties also increase. Owners, managers, and supervisors of prostitution businesses or establishments, government administrative or police officials, as well as parents who knowingly permit their children to become engaged in prostitution, face steep fines and jail terms if found guilty of violating the terms of the Act. See *Prevention and Suppression of Prostitution Act*, Sections 8-12. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>.

⁴²⁸⁴ Royal Thai Embassy, facsimile communication, September 5, 2002, 7. Government data indicate that 504 trafficking-related arrests occurred in 2002, of which 42 prosecutions resulted and 21 prison sentences were handed down. U.S. Department of State, *Trafficking in Persons- 2003: Thailand*.

⁴²⁸⁵ Government of Thailand, *Penal Code Amendment Act (no. 14) of 1997*, as cited in 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.

⁴²⁸⁶ *Money Laundering Act (B.E. 2542)*, (August 20, 1999); available from <http://natlex.ilo.org/natlexnewfaceE.htm>. The law was applied in April 2002 for the first time in a trafficking case (still pending as of March 2003) in Northern Thailand. U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f.

⁴²⁸⁷ Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

⁴²⁸⁸ 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*.

⁴²⁸⁹ Ibid.

more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports.⁴²⁹⁰ 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.⁴²⁹¹

The Government of Thailand has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 16, 2001.⁴²⁹²

⁴²⁹⁰ U.S. Department of State, *Country Reports- 2002: Thailand*, 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*.

⁴²⁹¹ The victims were repatriated in July 2001. See U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6c.

⁴²⁹² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Togo has been a member of ILO-IPEC since 2000.⁴²⁹³ 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.⁴²⁹⁴ Togo is one of nine countries participating in a regional project implemented by ILO-IPEC and funded by USDOL to combat the trafficking of children in West and Central Africa.⁴²⁹⁵ As a member of ECOWAS, Togo has committed itself to repatriate victims of trafficking, provide them with necessary social services, and to establish policies and programs to combat and prevent human trafficking.⁴²⁹⁶ 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.⁴²⁹⁷ 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.⁴²⁹⁸ The U.S. European Command has also funded the renovation of a center for repatriated child trafficking victims.⁴²⁹⁹

The Government of Togo has drafted a law that imposes a 5 to 10 year prison term on traffickers or a fine of up to 10 million CFA francs (USD 17,630.70).⁴³⁰⁰ In mid-2002, Togo began creating local committees that work to raise awareness of child trafficking in rural areas.⁴³⁰¹ In 2000, the government, in collaboration with UNICEF and NGOs, conducted awareness raising campaigns on forced labor and trafficking.⁴³⁰² The Government of Togo 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. UNODC is providing technical assistance in areas such as research and law enforcement training.⁴³⁰³ The government also funds a Social Center for Abandoned Children, and has provided land and buildings for four victim care centers.⁴³⁰⁴

⁴²⁹³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 2, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴²⁹⁴ ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II)*, executive summary, Geneva, 1999.

⁴²⁹⁵ Ibid.

⁴²⁹⁶ 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).

⁴²⁹⁷ ECOWAS Executive Secretariat, *ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)*, Economic Community of West African States, Dakar, December 2001.

⁴²⁹⁸ 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. The U.S. Government has also funded the renovation of a center for repatriated victims of trafficking. See U.S. Department of State, *Supporting Human Rights and Democracy: The U.S. Record 2002 - 2003*, Washington, D.C., June 24, 2003; available from <http://state.gov/g/drl/rls/shrd/2002/21765.htm>.

⁴²⁹⁹ U.S. Embassy- Lome, *unclassified telegram no. 230*, February 2003.

⁴³⁰⁰ The law is currently before the national assembly and includes penalties on parents of trafficked children. See Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, Vol. 15, No. 8 (A), New York, April, 2003, 3; available from <http://www.hrw.org/reports/2003/togo0403/>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Togo*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18231.htm>. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Togo*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>. For currency conversion, see FXConverter, [online] [cited July 2, 2003]; available from <http://www.oanda.com/convert/classic>.

⁴³⁰¹ Republic of Togo, *Les Etats-Unis se mobilisent contre le trafic des enfants au Togo*, [previously online] June 25, 2002 [cited August 23, 2002]; available from <http://www.republicoftogo.com/completenews.php?idnews=02265&flag=3> [hard copy on file].

⁴³⁰² Creative Associates International Inc., *Child Labor Country Briefs: Togo*, [previously online] January 22, 2002 [cited August 23, 2002]; available from <http://209.135.227.32/childlaborbriefs/DashBoard2/default.asp> [hard copy on file].

⁴³⁰³ UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited July 17, 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

⁴³⁰⁴ U.S. Department of State, *Country Reports- 2002: Togo*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Togo*.

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 donor coordination and direct funding for host government or local NGOs.⁴³⁰⁵

Togo's goals under its Education for All plan are to make education more accessible, raise the quality and relevance of the curriculum, and strengthen vocational and non-formal education.⁴³⁰⁶ UNICEF is assisting Togo to raise the low attendance rates among girls through parent and teacher trainings.⁴³⁰⁷

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 66.2 percent of children ages 5 to 14 years in Togo were working.⁴³⁰⁸ Children are found working in both urban and rural areas, particularly in family-based farming and small-scale trading.⁴³⁰⁹ In some rural areas, young children were sometimes placed in domestic work in exchange for a one-time fee of 15,000 to 20,000 CFA francs (USD 26.45 to 35.26) paid to their parents.⁴³¹⁰ In remote parts of the country, a form of bonded labor occurs in the traditional practice known as *trokosi*, where young girls become slaves to priests for offenses allegedly committed by a member of their family.⁴³¹¹ 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.⁴³¹²

Four primary routes for child trafficking in Togo have been documented: trafficking of Togolese girls for domestic and market labor in Gabon, Benin, Nigeria and Niger; trafficking of girls within the country, particularly to the capital city, Lomé; trafficking of girls from Benin, Nigeria and Ghana to Lomé; and trafficking of boys for labor exploitation, usually in agriculture, in Nigeria, Benin and Côte d'Ivoire.⁴³¹³ Boys sometimes work with hazardous

⁴³⁰⁵ U.S. Embassy– Abuja, *unclassified telegram no. 1809*, June 2002.

⁴³⁰⁶ 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 August 15, 2003]; available from http://www2.unesco.org/wef/countryreports/togo/rapport_1.html.

⁴³⁰⁷ UNICEF, *Costs of Education*, [previously online] [cited September 16, 2002]; available from http://www.unicefusa.org/girls_ed/cost.html [hard copy on file].

⁴³⁰⁸ Government of Togo, *Multiple Indicator Cluster Survey 2*, Lomé, 2000; available from <http://www.childinfo.org/MICS2/newreports/togo/togotables.pdf>. The percentage of child labor reported for Togo in this year's report is higher than that included in last year's USDOL Trade and Development Act report because this year's percentage includes a larger age group and because it is based on information in the Multiple Indicator Cluster Survey (MICS) instead of the World Bank's *World Development Indicators* (WDI). Because the MICS is a stand-alone survey on children, it offers a more comprehensive look at work that children perform than the WDI, which projects numbers of working children based on existing non-child labor specific surveys.

⁴³⁰⁹ U.S. Department of State, *Country Reports- 2002: Togo*, Section 6d.

⁴³¹⁰ *Ibid.*, Section 6c. For currency conversion, see FXConverter.

⁴³¹¹ 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 July 17, 2003]; available from <http://www.un.org/ecosocdev/geninfo/afrec/vol15no4/154troko.htm>.

⁴³¹² Suzanne Aho, Togo Ministry of Social Affairs, Protection Project Fact-Finding Mission, Lomé, Togo, August 2001, as cited in The Protection Project, "Togo," in *Human Rights Reports on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002, 546–47 available from <http://209.190.246.239/ver2/cr/Togo.pdf>.

⁴³¹³ Almost none of the girls interviewed in the study received remuneration for their services. Most boys worked long hours on farms, seven days a week, as part of short-term assignments. See Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 1–2.

equipment, and some describe conditions similar to bonded labor.⁴³¹⁴ Children are also trafficked from Togo to the Middle East, Europe and Asia, and there are reports that girls are trafficked to Nigeria for prostitution.⁴³¹⁵ Togo also serves as a transit country for children trafficked from Burkina Faso, Ghana, Côte d'Ivoire and Nigeria.⁴³¹⁶ Although there is no evidence of minors enlisted in the military, children under 18 are found doing menial work in military barracks.⁴³¹⁷

Education is free and compulsory from 5 to 15 years.⁴³¹⁸ However, school fees range from 4,000 to 13,000 CFA francs (USD 7.05 to 22.92).⁴³¹⁹ In 2000, the gross primary enrollment rate was 124.2 percent, and the net primary enrollment rate was 92.3 percent.⁴³²⁰ However, the gender disparity in net primary enrollment rates is significant: 101.3 percent of boys of primary school age versus only 83.3 percent of girls were enrolled in school.⁴³²¹ In 2000, the net primary attendance rate was 63.0 percent.⁴³²² In 1999, 73.8 percent of children enrolled in primary school reached grade 5.⁴³²³ Some of the shortcomings of the education system include teacher shortages, lower educational quality in rural areas, and high repetition and dropout rates.⁴³²⁴ 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.⁴³²⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum employment age in any enterprise at 14 years, unless granted exemption by the Ministry of Labor.⁴³²⁶ However, children may not begin apprenticeships before 15 years.⁴³²⁷ Children are forbidden from working at night without special permission from the ministry in charge of professional training.⁴³²⁸

⁴³¹⁴ Ibid., 2.

⁴³¹⁵ U.S. Department of State, *Country Reports- 2002:Togo*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report:Togo*.

⁴³¹⁶ U.S. Department of State, *Country Reports- 2002:Togo*, Section 6f.

⁴³¹⁷ Coalition to Stop the Use of Child Soldiers, "Togo," in *Global Report 2001*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc?OpenView>.

⁴³¹⁸ See U.S. Department of State, *Country Reports- 2002:Togo*, Section 5. See also Republic of Togo Ministry of National Education, *La Réforme de l'Enseignement au Togo (forme abrégée)*, Lomé, 1975, 10, 11, 13. See also Government of Togo, *Projet de Code de l'Enfant*, (November, 2001), Article 249. See also Republic of Togo, *Déclaration de Politique Sectorielle de l'Education et de la Formation*, Lomé, May 12, 1993, 1.

⁴³¹⁹ Human Rights Watch, *Borderline Slavery: Child Trafficking in Togo*, 1. For currency conversion, see FXConverter.

⁴³²⁰ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴³²¹ Ibid.

⁴³²² The net primary attendance rate in 2000 was 67.0 percent for boys and 58.9 percent for girls. See Government of Togo, *Multiple Indicator Cluster Survey 2*.

⁴³²³ World Bank, *World Development Indicators 2003*.

⁴³²⁴ M. Egnonto Koffi-Tessio, *Human Resource Development for Poverty Reduction and Household Food Security: Situation of Education and Training in Togo*, University of Lome, Advanced School of Agronomy, Lome, 2000. See also World Bank, *Togo Country Assistance Evaluation*, no. 21410, Operations Evaluation Department, November 20, 2000, 5.

⁴³²⁵ World Bank, *Togo Country Assistance Evaluation*, 5.

⁴³²⁶ Government of Togo, *Code du Travail*, Ordonnance No. 16, (May 8, 1974), Article 114. See also *Projet de Code de l'Enfant*, Article 298.

⁴³²⁷ An exception is made for children who have abandoned school or who were not able to attend school. These children may begin apprenticeships at 14 years. See *Projet de Code de l'Enfant*, Articles 259 and 60.

⁴³²⁸ Ibid., Article 274.

The Children's Code prohibits the employment of children in the worst forms of child labor, as well as the trade of children for the purposes of sexual exploitation or forced labor or servitude.⁴³²⁹ Certain industrial and technical jobs set a minimum age of 18.⁴³³⁰ The Ministry of Labor enforces the law only in the urban, formal sector.⁴³³¹ The Ministry of Health, Social Affairs, Promotion of Women and Protection of Children is responsible for enforcing laws prohibiting the worst forms of child labor, but lacks resources to implement its mandate.⁴³³² 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.⁴³³³

Togolese law does not specifically prohibit forced or bonded labor by children.⁴³³⁴ However, Article 78 of the Penal Code prohibits the corruption, abduction or transfer of children against the will of a child's guardian.⁴³³⁵ Articles 91 to 94 of the Penal Code prohibit the solicitation and procurement of minors.⁴³³⁶ Togo also cooperates with the Governments of Benin, Ghana and Nigeria under a Quadripartite Law that enables expedited extraditions.⁴³³⁷

The Minor's Brigade, a police unit, investigates trafficking cases.⁴³³⁸ Foreign consulates based in Togo do not issue visas to minors without first consulting a social worker.⁴³³⁹

The Government of Togo ratified ILO Convention 138 on March 16, 1984, and ILO Convention 182 on September 19, 2000.⁴³⁴⁰

⁴³²⁹ The worst forms of child labor are defined to include all forms of slavery; forced and compulsory labor; forced recruitment of children for use in armed conflicts; use or recruitment of children for purposes of prostitution or pornography; use or recruitment of children for illicit activities including the trafficking of drugs; and any work which is harmful to the health, safety or morals of the child. See *Ibid.*, Articles 311, 12, 460.

⁴³³⁰ U.S. Department of State, *Country Reports- 2002:Togo*, Section 6d.

⁴³³¹ *Ibid.*

⁴³³² *Ibid.*

⁴³³³ Republic of Togo, *Rapport National de Fin de Décennie sur "Le Suivi du Sommet Mondial pour les Enfants"*, 16.

⁴³³⁴ U.S. Department of State, *Country Reports- 2002:Togo*, Section 6c.

⁴³³⁵ UN Committee on the Rights of the Child, *Consideration of Initial Reports of States Parties: Summary Record of the 422nd Meeting*, CRC/C/SR.422, prepared by Government of Togo, pursuant to Article 44 of the Convention on the Rights of the Child, February 3, 1998, para. 37. See also U.S. Department of State, *Country Reports- 2002:Togo*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report:Togo*.

⁴³³⁶ UN Committee on the Rights of the Child, *Consideration of Initial Reports: Summary Record of the 422nd Meeting: Togo*, para. 37.

⁴³³⁷ U.S. Department of State, *Country Reports- 2002:Togo*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report:Togo*.

⁴³³⁸ U.S. Department of State, *Trafficking in Persons Report:Togo*.

⁴³³⁹ UN Committee on the Rights of the Child, *Consideration of Initial Reports: Summary Record of the 422nd Meeting: Togo*, para. 35.

⁴³⁴⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 18, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Tonga has established goals to further improve the educational system through the Ministry of Education's 1996 Strategic Plan. The plan calls for an increase by 2010 in the compulsory school age to 17 or "form level" 6, and for the establishment of universal access to quality education up to form 6. 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.⁴³⁴¹ AusAID provides financial assistance to the Ha'apai Development Fund, which supports projects in the Ha'apai islands of Tonga. The fund is overseen by government and community representatives and has involved the construction of teacher housing.⁴³⁴² UNICEF works with government agencies and NGOs to address children's health and youth development in the country.⁴³⁴³

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Tonga are unavailable. The U.S. Department of State reported that there was no child labor in the formal economy in 2002.⁴³⁴⁴

The Education Act of 1974 provides for free and compulsory education from age 6 to 14.⁴³⁴⁵ In 2000, the gross primary enrollment rate was 112.7 percent, and the net primary enrollment rate was 91.5 percent.⁴³⁴⁶ 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.⁴³⁴⁷ Although the quality of schooling in Tonga has been criticized, the country has been recognized as having achieved universal primary education,⁴³⁴⁸ and retention rates to secondary school are high.⁴³⁴⁹

Child Labor Laws and Enforcement

There is no legislation in Tonga that specifically prohibits child labor.⁴³⁵⁰ The Constitution prohibits forced or bonded labor.⁴³⁵¹ Prostitution is prohibited under the Criminal Code. Penalties for offenses range from imprison-

⁴³⁴¹ 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; available from <http://www2.unesco.org/wef/countryreports/tonga/contents.html>.

⁴³⁴² Australia has also provided support for school rehabilitation after a cyclone struck Tonga in 2001. See AusAID, *Country Brief- Tonga*, [online] [cited July 10, 2003]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=8494_3966_5283_4961_7927&CountryId=19.

⁴³⁴³ UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries*, [online] [cited July 11, 2003]; available from http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

⁴³⁴⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tonga*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18267pf.htm>.

⁴³⁴⁵ Government of Tonga, *Ministry of Education*, [online] [cited July 10, 2003]; available from http://pmo.gov.to/ministry_of_education.htm.

⁴³⁴⁶ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, DC, 2003.

⁴³⁴⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴³⁴⁸ U.S. Department of State, *Country Reports- 2002: Tonga*, Section 5. See also UNESCO, *EFA Country Report: Tonga*, Section 1.2.

⁴³⁴⁹ ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003, 48; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.

⁴³⁵⁰ U.S. Department of State, *Country Reports- 2002: Tonga*, Section 6d.

⁴³⁵¹ This does not apply to those being punished under the law. See *Constitution of Tonga*, Part I, Clause 2; available from http://www.vanuatu.usp.ac.fj/paclawmat/Tonga_legislation/Tonga_Constitution.html. There is no evidence that forced or bonded labor occurs in the country. See U.S. Department of State, *Country Reports- 2002: Tonga*, Section 6c.

ment for 6 months to 2 years. Males convicted a second time of profiting from prostitution may be subject to whipping.⁴³⁵² The Criminal Code prohibits any person from procuring or attempting to procure any girl under the age of 21 for the purposes of trafficking for prostitution. The punishment for this offense is imprisonment for up to 5 years. The abduction of women and girls is also illegal under the Criminal Code, with penalties ranging from 5 to 7 years imprisonment.⁴³⁵³

The Government of Tonga is not a member of the ILO, and as such has not ratified ILO Convention 138 or ILO Convention 182.⁴³⁵⁴

⁴³⁵² *Criminal Code of Tonga*, Articles 80–81; available from http://www.vanuatu.usp.ac.fj/Paclawmat/Tonga_legislation/Consolidation_1988/Tonga_Criminal_Offences.html.

⁴³⁵³ *Ibid.*, Articles 126, 28–29.

⁴³⁵⁴ ILO, *Alphabetical list of ILO member countries*, in ILOLEX, [database online] May 20, 2003 [cited July 10, 2003]; available from <http://www.ilo.org/public/english/standards/relm/country.htm>.

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

In October 2002, officials of the Government of Trinidad and Tobago attended a regional meeting, “Eliminating the Worst Forms of Child Labor”, where participants presented new research on child labor and discussed policy ideas to address the problem.⁴³⁵⁵ The government has also adopted an education policy that aims to promote secondary school attendance and improve educational opportunities.⁴³⁵⁶

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 4.1 percent of children ages 5 to 14 years were engaged in work. Approximately 52 percent of working 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.⁴³⁵⁷ Children are engaged in agriculture, scavenging, loading, unloading and stocking goods, landscaping and gardening, car repair and washing, construction, fishing,⁴³⁵⁸ and begging.⁴³⁵⁹ Children also work as handymen, shop assistants, cosmetologists’ assistants, domestic servants,⁴³⁶⁰ or street vendors.⁴³⁶¹ There have been reports of child prostitution⁴³⁶² and of children involved in drug trafficking.⁴³⁶³

Primary education is free and compulsory between the ages of 6 and 12.⁴³⁶⁴ In 2000, the gross primary enrollment rate was 100.4 percent, and the net primary enrollment rate was 92.4 percent.⁴³⁶⁵ In 1999, 99.7 percent of children enrolled in primary school reached grade 5.⁴³⁶⁶ In 2000, 88.7 percent of primary school age children were estimated to be attending school,⁴³⁶⁷ but the public school system does not adequately meet the needs of the school age population due to overcrowding, substandard physical facilities, and occasional violence in the classroom perpetrated by gangs. The government has committed resources to increasing access to free secondary education and building new facilities.⁴³⁶⁸

⁴³⁵⁵ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*, October 2002.

⁴³⁵⁶ Ibid.

⁴³⁵⁷ 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. See Government of Trinidad and Tobago, *Multiple Indicator Cluster Survey (MICS) 2000 - Trinidad and Tobago*, UNICEF, 2000; available from <http://www.childinfo.org/MICS2/newreports/trinidad/trinidad.htm>.

⁴³⁵⁸ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*.

⁴³⁵⁹ International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards in Trinidad and Tobago*, Geneva, November 12-13, 1998; available from <http://www.icftu.org/displaydocument.asp?Index=990916172&Language=EN>.

⁴³⁶⁰ U.S. Embassy- Port of Spain, *unclassified telegram no. 2243*.

⁴³⁶¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Trinidad and Tobago*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18346.htm>. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards*.

⁴³⁶² U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 6f. See also U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*, September 2001.

⁴³⁶³ U.S. Embassy- Port of Spain, *unclassified telegram no. 1604*.

⁴³⁶⁴ Ibid. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards*.

⁴³⁶⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴³⁶⁶ Ibid.

⁴³⁶⁷ Government of Trinidad and Tobago, *MICS 2000*.

⁴³⁶⁸ U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 5.

Child Labor Laws and Enforcement

The minimum age for employment is set at 12 years. Children 12 to 14 years of age 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.⁴³⁶⁹ There are no laws prohibiting trafficking,⁴³⁷⁰ but the Criminal Code prohibits procuring a minor under the age of 16 years for the purpose of prostitution.⁴³⁷¹ The punishment for procurement is 15 years imprisonment.⁴³⁷² Trafficking may also be prosecuted under laws addressing kidnapping, labor conditions, procurement of sex, prostitution, slavery, and indentured servitude.⁴³⁷³ The use of children under the age of 16 in pornography is also prohibited.⁴³⁷⁴

The Probation Service in the Ministry of Social Development and Family Services and the Ministry of Labor and Small and Micro-Enterprises are responsible for enforcing child labor provisions.⁴³⁷⁵ Enforcement is weak because there are no established mechanisms for receiving, investigating, and addressing child labor complaints.⁴³⁷⁶

The Government of Trinidad and Tobago ratified ILO Convention 182 on April 23, 2003, but has not ratified ILO Convention 138.⁴³⁷⁷

⁴³⁶⁹ U.S. Embassy– Port of Spain, *unclassified telegram no. 1604*. See also International Confederation of Free Trade Unions, *Internationally-Recognised Core Labour Standards*.

⁴³⁷⁰ U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 6f.

⁴³⁷¹ Article 17 of the Criminal Code, as cited in The Protection Project, “Trinidad and Tobago,” in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/tt.pdf>.

⁴³⁷² *Ibid.*

⁴³⁷³ U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 6f.

⁴³⁷⁴ U.S. Embassy– Port of Spain, *unclassified telegram no. 1604*.

⁴³⁷⁵ *Ibid.* See also U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 6d.

⁴³⁷⁶ U.S. Department of State, *Country Reports- 2002: Trinidad and Tobago*, Section 6d.

⁴³⁷⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 12, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.⁴³⁷⁸ The Ministry of Youth and Children, Ministry of Social Affairs and Solidarity, Ministry of Education and Training, and the National Institution for the Protection of Children were among the participants in the development of the plan.⁴³⁷⁹ In April 2002, a law completing the Child Protection Code was adopted by the Chamber of Deputies, creating a “Parliament of the Child” that teaches children civic responsibility.⁴³⁸⁰ In September of the same year, the Cabinet was reorganized, and two ministries were given responsibility for children’s rights, the Ministry of Women, Family, and Childhood Affairs, and the Ministry of Culture, Youth, and Leisure.⁴³⁸¹

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.⁴³⁸² UNICEF is working with the government to implement educational projects, including gender-based initiatives, and promote children’s rights.⁴³⁸³ UNICEF is also coordinating with the World Bank and the European Union to promote quality education and support priority education zones.⁴³⁸⁴

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 2.1 percent of the children ages 5 to 15 years in Tunisia were working.⁴³⁸⁵ Slightly more boys than girls were working, and the incidence of children who worked in the rural areas was also higher than in urban areas.⁴³⁸⁶ Approximately 71.4 percent of working children worked more than 4 hours per day, and over half worked during school hours, which was found to increase the risk of dropout from or failure in

⁴³⁷⁸ Government of Tunisia, *Multiple Indicator Cluster Survey (MICS) Report: Tunisia*, UNICEF, 2000, 7 [cited August 11, 2003]; available from <http://www.childinfo.org/MICS2/newreports/tunisia/tunisia.pdf>.

⁴³⁷⁹ Ibid., 7–8.

⁴³⁸⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tunisia*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18290.htm>.

⁴³⁸¹ A secretary of state in each ministry is responsible for guaranteeing children’s rights. See Ibid.

⁴³⁸² 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 11, 2003]; 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*, November 5, 2003 [cited November 5, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050945>.

⁴³⁸³ UNICEF’s 1997–2001 Programme of Cooperation includes health, education, and children’s rights components. See 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*, [previously online] 2000 [cited August 29, 2002]; available from <http://www.unicef.org/efa/girlsed.htm#Tunisia> [hard copy on file].

⁴³⁸⁴ UNICEF, *At a glance: Tunisia*, [online] August 10, 2003 [cited August 11, 2003]; available from <http://www.unicef.org/infobycountry/Tunisia.html>.

⁴³⁸⁵ 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.

⁴³⁸⁶ Ibid.

school. Nearly half of working children who were paid for their services spent their salaries on family necessities.⁴³⁸⁷ Children work in rural agriculture and as vendors in urban areas, mainly during school vacations.⁴³⁸⁸ There are also reports of child labor in the handicraft industry disguised as apprenticeships, and of families placing teenage girls as household domestics in order to collect their wages.⁴³⁸⁹

Education is compulsory and free between the ages of 6 and 16.⁴³⁹⁰ In 2000, approximately 96 percent of 6 year old children were enrolled in school.⁴³⁹¹ In 2000, the gross primary enrollment rate was 117.3 percent (114.7 percent for girls and 119.8 percent for boys) and the net primary enrollment rate was 99.2 percent.⁴³⁹² In 2000, 94.4 percent of children ages 6 to 12 attended school. Attendance in urban areas is higher than in rural areas (97.2 percent and 90.5 percent respectively).⁴³⁹³ The attendance rate for adolescents between the ages of 13 and 19 years was 66.1 percent.⁴³⁹⁴ In 1999, 93.1 percent of children enrolled in primary school reached grade 5.⁴³⁹⁵

Child Labor Laws and Enforcement

The Labor Code of 1966 sets the minimum age for employment at 16 years with a number of exceptions.⁴³⁹⁶ The age of 13 years is set for light agricultural and light non-industrial work, provided that the work does not pose a health hazard or interfere with the child's development or education.⁴³⁹⁷ Under the Labor Code, children may work as apprentices or through vocational training programs at age 14.⁴³⁹⁸ 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.⁴³⁹⁹ The age of 18 years is established for hazardous work.⁴⁴⁰⁰ The hours that children below the age of 18 are permitted to work are regulated by the Ministry of Social Affairs and Solidarity.⁴⁴⁰¹ In 1995, the Government of Tunisia passed the Child Protection Code, which protects children under 18 years from abuse and exploitation, including participation in wars or armed conflicts, prostitution, and hazardous labor conditions.⁴⁴⁰² Labor inspectors from the Ministry of Social Affairs and Solidarity are responsible for enforcing labor

⁴³⁸⁷ Ibid., 89-90.

⁴³⁸⁸ U.S. Department of State, *Country Reports- 2002: Tunisia*, Section 6d.

⁴³⁸⁹ Ibid.

⁴³⁹⁰ Ibid., Section 5. See also UN, *Country Profiles on the Situation of Youth: Tunisia*, [database online] [cited June 19, 2003]; available from <http://esa.un.org/socdev/unyin/countrya.asp?countrycode=tn>.

⁴³⁹¹ Government of Tunisia, *MICS Report: Tunisia*, 67.

⁴³⁹² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴³⁹³ Government of Tunisia, *MICS Report: Tunisia*, 69.

⁴³⁹⁴ Ibid., 70.

⁴³⁹⁵ World Bank, *World Development Indicators 2003*.

⁴³⁹⁶ *Code du Travail, 1966*, Loi no. 66-27, (April 30, 1966), Article 53 [cited August 12, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁴³⁹⁷ Children under 16 years may not engage in light non-industrial and light non-agricultural work for more than two hours per day, and the combined time spent in school and at work cannot exceed seven hours per day. See Ibid., Articles 55-56.

⁴³⁹⁸ Ibid., Articles 52-53.

⁴³⁹⁹ Ibid., Article 54.

⁴⁴⁰⁰ 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. See also U.S. Embassy-Tunis, *unclassified telegram no. 2138*, August 2003.

⁴⁴⁰¹ *Code du Travail*, 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.

⁴⁴⁰² *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>. See also U.S. Embassy-Tunis, *unclassified telegram no. 2138*.

laws, including child labor laws.⁴⁴⁰³ Forced and bonded labor by children is prohibited by law, and the prohibition is generally effectively enforced.⁴⁴⁰⁴

The Government of Tunisia ratified ILO Convention 138 on October 19, 1995 and ILO Convention 182 on February 28, 2000.⁴⁴⁰⁵

⁴⁴⁰³ *Code du Travail*, Articles 170-71.

⁴⁴⁰⁴ U.S. Department of State, *Country Reports- 2002: Tunisia*, Section 6d.

⁴⁴⁰⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 1, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Turkey has been a member of ILO-IPEC since 1992.⁴⁴⁰⁶ In working towards meeting EU accession conditions, priorities for the Government of Turkey include fulfilling obligations to eliminate child labor.⁴⁴⁰⁷ The Ministry of Labor and Social Security established a Child Labor Unit (CLU) that chairs an inter-agency advisory committee, comprised of representatives of government ministries, NGOs, universities, and other United Nations agencies.⁴⁴⁰⁸ The CLU is also responsible for making and promoting child labor laws, launching new programs, and raising awareness with the public.⁴⁴⁰⁹ The CLU has contributed to the preparation of the child labor chapter in the Eighth Five-Year Development Plan of Turkey (2000-2005). This plan commits the government to respond to child labor and promote policies designed to combat child labor by increasing family income, providing social welfare, and reducing education costs for the poor.⁴⁴¹⁰ The Government of Turkey is currently developing a National Timebound Policy and Program Framework that will further be used to develop actions to eliminate the worst forms of child labor and the involvement of children below the age of 15 in all forms of work in Turkey within a period of ten years.⁴⁴¹¹ In October 2002, an Anti-Trafficking Task Force was formed.⁴⁴¹²

⁴⁴⁰⁶ Turkey was one of the six original member countries of ILO-IPEC. Since 1992, there have been 101 action programs launched by ILO-IPEC in cooperation with the government in an effort to combat child labor. See ILO, *Country Program: Turkey*, [online] February 11, 2002 [cited June 6, 2003]; available from <http://www.ilo.org/public/english/region/eurpro/ankara/programme/>. In 2002-2003, seven action programs are ongoing with an approximate budget of USD 1 million. See ILO-IPEC, *International Labor Organization (ILO) International Program on the Elimination of Child Labor (IPEC) Activities in Turkey*, 2003.

⁴⁴⁰⁷ The government will need to address the following matters related to child labor: amending the Labor Law No. 1475 to strictly prohibit the employment of children under the age of 15 years; completing studies on defining light work and the sectors in which children 15 to 18 years old may work; and continued implementation of the ILO-IPEC project begun in 2000. See Republic of Turkey Ministry of Foreign Affairs, *Executive Summary of the Turkish National Program for the Adoption of the Acquis*, [online] 2003 [cited July 21, 2003]; available from <http://www.mfa.gov.tr/grupa/ad/ad/executive.summ.htm>.

⁴⁴⁰⁸ Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor in Turkey*, Washington, D.C., November 9, 2001, 5-7.

⁴⁴⁰⁹ Ibid. See also ILO-IPEC, *IPEC in Action: Turkey*, [online] 2000 [cited June 6, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/field/europe/index.htm>.

⁴⁴¹⁰ The child labor policy directives that are part of the Eighth Five-Year Development Plan include eliminating the causes forcing children to work and the constraints that prevent children from attending school, and to harmonize national legislation with international conventions. See ILO-IPEC, *International Program for Elimination of Child Labor (IPEC) Turkey*, [online] 2003 [cited June 6, 2003], 1-2; available from <http://www.ilo.org/public/english/region/eurpro/ankara/programme/ipecc.htm>. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*, 5.

⁴⁴¹¹ The government has committed itself to making a significant contribution (USD 6.2 million) to support the ILO-IPEC project Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey, 2004-2006. The program will include activities in 11 provinces based on the prevalence of priority sectors selected by in-country stakeholders (street work, informal urban economy, and seasonal commercial agriculture). See ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, project document (draft version 8/8/03), TUR/03/P50/USA, Geneva, 2003, cover, 1.

⁴⁴¹² Representation on the task force includes authorities from the Ministry of Foreign Affairs, Health, Interior, Justice, and Labor, and the Directorate General for Social Services and Child Protection, the Directorate on the Status and Problems of Women, and from Marmara University. The task force has begun to develop a National Action Plan and establish a database. The IOM, ILO, and UNHCR are cooperating with the Government of Turkey. See U.S. Department of State, *Country Reports on Human Rights Practices-2002: Turkey*, March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18396.htm>. The Government of Turkey is a member of the Southeast European Cooperative Initiative, and has participated in regional anti-trafficking efforts through the initiative's Regional Center for Combating Transborder Crime. See SECI Regional Center for Combating Transborder Crime, *SECI States*, [online] December 12, 2003 [cited January 6, 2004]; available from <http://www.secicenter.org/html/index.htm>. See also SECI Regional Center for Combating Transborder Crime, *Operation Mirage: Evaluation Report*, Bucharest, January 21, 2003; available from <http://www.secicenter.org/html/index.htm>.

Two nationwide surveys on child labor were carried out by the State Institute of Statistics in 1994 and 1999 as part of the Household Labor Force Survey with technical assistance from ILO-IPEC.⁴⁴¹³

Various regional child labor elimination programs are underway throughout the country, supported by the national or local level authorities in Turkey. The government operates 28 centers to aid working street children.⁴⁴¹⁴ The Ministry began a project in Izmir, to stop children under 15 years old from working in the footwear industry, textiles, and auto repair.⁴⁴¹⁵ The Ministry and the Province of Yalova have established a center where education, psycho-social, and other services are provided to approximately 500 children who work or are at risk of entering child labor. The Southeastern Anatolia Development Project Regional Development Administration and the Directorate of Social Services and Child Protection jointly established a center for working children in Diyarbakir to provide social and psychological support to children and raise awareness among local organizations about child labor issues. The Directorate also provides education, psycho-social and other services at 2 centers in Golcuk and Adapazari to an estimated 1,000 children.⁴⁴¹⁶

To support basic education reform, the EU provided funding in 2002 to improve access and the retention of children in basic and non-formal education in 12 provinces and 5 urban and suburban areas.⁴⁴¹⁷ In 2002, the World Bank approved a loan to support the Second Basic Education Project that will improve education through a number of measures, including the construction of new classrooms, provision of education materials, and teacher training.⁴⁴¹⁸ In 2001, the World Bank approved the Social Risk Mitigation Project to alleviate economic hardship on poor households that finances the expansion of education and health grants for the poorest 6 percent of families to support keeping children in school.⁴⁴¹⁹ In June 2003, the Ministry of National Education and UNICEF launched the Advocacy Campaign for Girls' Education to have every girl in school by the year 2005.⁴⁴²⁰

⁴⁴¹³ As part of ILO-IPEC activities in Turkey, the 1994 survey provided information on the economic activities and household chores children in the 6-14 year age group were engaged in; the 1999 survey widened the age range to include children 5 to 17 years old. See ILO-IPEC, *Combating the Worst Forms of Child Labor*, 17. By comparing the two surveys, a decrease in the percentage of working children in the 6-14 age group was determined, from 8.5 percent in 1994 to 4.2 percent in 1999.

⁴⁴¹⁴ U.S. Department of State, *Country Reports-2002: Turkey*, Section 6c.

⁴⁴¹⁵ The project also aims to improve the working conditions of older children, ages 15 to 18, and to offer social support to the families of children involved in the project. The Ministry of Education, General Directorate of Social Services and Child Protection, Province of Izmir, Greater Municipality of Izmir, Ege University, and local NGOs are involved in the project. See ILO-IPEC, *International Program for Elimination of Child Labor (IPEC) Turkey*, 5.

⁴⁴¹⁶ The specific years and the length of these child labor elimination projects is not stated in the source cited. See *Ibid.*, 4-5.

⁴⁴¹⁷ The EU provided 100 million Euro for this project. The provinces include Adiyaman, Agri, Ardahan, Bayburt, Bingol, Diyarbakir, Erzurum, Kars, Mus, Sakarya, Sanliurfa and Siirt, and the urban/suburban areas of Istanbul, Antalya, Bursa, Mersin and Adara. See European Commission Representation to Turkey, *EU Funded Programs in Turkey*, January 2003, 55; available from <http://www.deltur.cec.eu.int/english/ab-ing.pdf>.

⁴⁴¹⁸ The second phase of the Basic Education Project continues to support improving the quality of basic education, in addition to the development of preschool education as an integral part of basic education. The Government of Turkey's goals for its Basic Education Program are for all eligible children to enroll in and complete basic education, pre-school enrollment for eligible children to reach 25 percent, improved student performance, and for 40 percent of children in basic education to be utilizing information and communication technologies (i.e. computers). See World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US\$300 Million to the Republic of Turkey for a Second Basic Education Project in Support of the Second Phase of the Basic Education Program*, June 12, 2002 [cited July 21, 2003], 3-7; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2002/07/09/000094946_0206260400300/Rendered/PDF/multi0page.pdf. See also World Bank, *Basic Education Project (02)*, November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P059872>.

⁴⁴¹⁹ World Bank, *Project Appraisal Document on a Proposed Investment/Adjustment Loan in the Amount of US\$500 Million to the Republic of Turkey for a Social Risk Mitigation Project/Loan*, August 17, 2001 [cited July 21, 2003]; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2001/10/18/000094946_01082504044864/Rendered/PDF/multi0page.pdf. See also World Bank, *Social Risk Mitigation Project*, November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074408>.

⁴⁴²⁰ The program was launched in ten provinces and will expand to 40 more by late 2005. See UNICEF, *One in Every Eight Girls Out of School in Turkey*, [online press release] July 19 2003 [cited July 21, 2003]; available from http://www.unicef.org/media/media_10946.html.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 7.2 percent of children between the ages of 10 and 14 years in Turkey were working.⁴⁴²¹ Children work in agriculture, metal work, woodworking, clothing industries, textiles, leather goods, personal and domestic services,⁴⁴²² automobile repair, furniture making, hotel and catering, and footwear.⁴⁴²³ During certain seasons, heavy agricultural workloads prevent children from regularly attending classes.⁴⁴²⁴ According to the MLSS, an estimated 10,000 children work on the streets in Istanbul, and 3,000 work in Gaziantep.⁴⁴²⁵ A rapid assessment on working street children in 2001⁴⁴²⁶ found that street children in the cities of Diyarbakır, Adana and Istanbul pick through garbage at dumpsites, shine shoes, and sell various goods, among other activities.⁴⁴²⁷ Turkey is also a destination and transit country for girls who are trafficked for the purpose of commercial sexual exploitation from Azerbaijan, Georgia, Armenia, Russia, Ukraine, Moldova,⁴⁴²⁸ Romania, and Uzbekistan.⁴⁴²⁹

Primary education is compulsory for 8 years for children between the ages of 6 and 14 under the Basic Education Act.⁴⁴³⁰ Expenses for school, however, such as uniforms, books, and voluntary contributions, negatively affect low-income families.⁴⁴³¹ In 2000, the gross primary enrollment rate was 100.6 percent.⁴⁴³² While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁴³³ There

⁴⁴²¹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. According to the 1999 survey conducted by the State Institute of Statistics, 4.2 percent of children ages 6–14 were economically active (511,000) while 27.6 percent (3,329,000) were working at home. Approximately 87.2 percent of children working at home were also attending school. See ILO-IPEC, *Combating the Worst Forms of Child Labor*, 18, 25.

⁴⁴²² This data is based on a 1994 joint Ministry of Labor and Social Security–IPEC survey as well as a second joint IPEC–Turkish Development Foundation survey. See Government of Turkey and UNICEF, *The Situation of Children and Women in Turkey: An Executive Summary*, [online] 1998 [cited July 21, 2003]; available from <http://www.die.gov.tr/CIN/Sa98.pdf>. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy on Child Labor in Turkey*, Ankara, June 2000, 3, 26.

⁴⁴²³ Government of Turkey and UNICEF, *Situation of Children and Women*. See also Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 26.

⁴⁴²⁴ UNICEF, *State of Turkey's Children: Preliminary Report*, December 1999 [cited June 6, 2003]; available from <http://www.die.gov.tr/CIN/got-unicef/sotc/sotc.htm>.

⁴⁴²⁵ U.S. Department of State, *Country Reports-2002: Turkey*, Section 6c.

⁴⁴²⁶ This assessment was 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. See Bahattin Aksit, Nuray Karanci, and Ayse Gunduz-Hosgor, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, November 2001; available from <http://www.ilo.org/public/english/standards/ipec/simpoc/turkey/ra/street.pdf>.

⁴⁴²⁷ *Ibid.*, 41–42.

⁴⁴²⁸ U.S. State Department, *Trafficking in Persons Report-2003: Turkey*, June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#turkey>.

⁴⁴²⁹ U.S. Department of State, *Country Reports-2002: Turkey*, Section 6f.

⁴⁴³⁰ Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*, 5. See also U.S. Department of State, *Country Reports-2002: Turkey*, Section 5.

⁴⁴³¹ UNICEF, *State of Turkey's Children*.

⁴⁴³² The gross primary school enrollment rates are higher for boys than for girls. In 2000, those rates were 104.7 percent and 96.3 percent respectively. There are no recent statistics on net primary school enrollment rates. However, in 1996, the net primary school enrollment rate was 99.3 percent and the gross primary school enrollment rate was 107.4 percent. See World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴⁴³³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

are no recent data on primary school attendance. In 1993, the gross attendance rate was 97.5 percent and the net attendance rate was 72.8 percent.⁴⁴³⁴ Approximately 99 percent of those children enrolled reach grade five.⁴⁴³⁵

Child Labor Laws and Enforcement

A new Labor Law became effective in June 2003 that establishes the minimum age for employment at 15 years, but allows children 14 years of age to perform light work that does not interfere with their education.⁴⁴³⁶ Children aged 15 years old who have completed their education and do not attend school may work up to 7 hours a day, not to exceed 35 hours a week and 16 year olds may work up to 8 hours a day and up to 40 hours per week.⁴⁴³⁷ The new law calls for the Ministry to develop a list of prohibited jobs within six months.⁴⁴³⁸ The Labor Law prohibits underground and underwater work for boys under the age of 18 and precludes children under 17 years old from working in heavy and hazardous work.⁴⁴³⁹ The minimum age for industrial night work is 18 years.⁴⁴⁴⁰ Before beginning a job, children who are 15 to 18 years of age must undergo a physical examination, which is to be repeated every 6 months.⁴⁴⁴¹ Children under 18 years are not permitted to work in bars, coffee houses, dance halls, cabarets, casinos, or public baths.⁴⁴⁴²

The Apprenticeship and Vocational Training Act No. 3308 allows children ages 14 to 18 who have completed the mandatory 8 years of education to be employed as apprentices. One day per week is dedicated to training and education, and the annual vacation for children is one month.⁴⁴⁴³ Criminal law forbids the sexual exploitation of children.⁴⁴⁴⁴ In August 2002, parliament amended the Criminal Code making the trafficking of persons a crime; those convicted face 5 to 10 years in prison and a fine approximately USD 730,000 or more.⁴⁴⁴⁵

⁴⁴³⁴ In 1993, the primary gross attendance rate was 91.7 percent for girls and 103 percent for boys. In that same year the net attendance rate was 70.0 percent for girls and 74.5 percent for boys. See USAID, "Global Education Database," (2003).

⁴⁴³⁵ UNICEF, *The State of the World's Children 2003*, [online] 2003 [cited July 21, 2003]; available from <http://www.unicef.org/sowc03/tables/table4.html>.

⁴⁴³⁶ An exception in the law allows governors in provinces where agriculture is the main economic activity to determine the minimal age for work in agriculture. See U.S. Embassy- Ankara, *unclassified telegram no. 5326*, August 22, 2003.

⁴⁴³⁷ Ibid.

⁴⁴³⁸ Ibid.

⁴⁴³⁹ Women of any age are not allowed to work underground or underwater. Ibid.

⁴⁴⁴⁰ Ibid.

⁴⁴⁴¹ Ibid.

⁴⁴⁴² See Article 176 of the 1930 General Health Care Act 1593 as cited in Turkish Confederation of Employer Associations and ILO Ankara, *Child Labor in Turkey*, ILO Publications Bureau, Geneva, 1997, 31.

⁴⁴⁴³ Apprenticeship and Vocational Training Act 3308 as quoted in Ibid., 29-30. See also Fisek Institute Science and Action Foundation for Child Labor, *Turkish Laws on Working Children*, [online] [cited July 21, 2003]; available from <http://www.fisek.org.tr/e020.php>. See also ILO-IPEC, *Turkey Working Street Children in Three Metropolitan Cities: A Rapid Assessment*, ILO, Geneva, November 2001, 26.

⁴⁴⁴⁴ UNICEF, *State of Turkey's Children*.

⁴⁴⁴⁵ The Code calls for a fine not less than one billion Turkish lira. See U.S. Embassy- Ankara, *unclassified telegram no. 5326*. See also U.S. Department of State, *Country Reports-2002: Turkey*, Section 6f. As of April 2003, six cases were opened under the new trafficking law, against 17 suspects. In two cases, courts ruled for acquittal after determining that two alleged victims had not been trafficked. In the remaining cases, fourteen suspects will go on trial with complaints filed against them. See also U.S. State Department, *Trafficking in Persons-2003*. For currency conversion, see FXConverter, [online] [cited October 10, 2003]; available from <http://www.oanda.com/convert/classic>.

The Ministry Labor Inspection Board is the government agency responsible for enforcing child labor laws in Turkey.⁴⁴⁴⁶ The Ministry 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.⁴⁴⁴⁷ Therefore, the Board has focused on protecting working children by improving their working conditions.⁴⁴⁴⁸

The Government of Turkey ratified ILO Convention 138 on October 30, 1998, and ILO Convention 182 on August 2, 2001.⁴⁴⁴⁹

⁴⁴⁴⁶ Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 5. See also Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*.

⁴⁴⁴⁷ Ministry of Labor and Social Security Labor Inspection Board, *Report on the Implementation of Labor Inspection Policy*, 3-5. Out of 700 MLSS labor inspectors, approximately 100 are trained to review compliance with child labor regulations in nearly 4 million establishments. See U.S. Embassy- Ankara, *unclassified telegram no. 5326*.

⁴⁴⁴⁸ Embassy of Turkey, *The Implemented Programs and Measures Taken Against Child Labor*. See also Embassy of Turkey, *Policies, Programs, and Measures Against Child Labor in Turkey*, Washington, D.C., September 6, 2002, 10, 11, 14.

⁴⁴⁴⁹ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 21, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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.⁴⁴⁵⁰ UNDP provides technical assistance to strengthen the capacities of local governments in Tuvalu and involve youth in decision making,⁴⁴⁵¹ and implements basic education, non-formal education, and poverty strategy initiatives in the Pacific region, including Tuvalu.⁴⁴⁵² UNICEF works with the Ministry of Health, other government agencies, and NGOs to address children's health and youth development.⁴⁴⁵³ ADB is providing financing for vocational training to address the low rates of secondary school enrollment in the country.⁴⁴⁵⁴ The EU provides funds for education-related projects,⁴⁴⁵⁵ and AusAID is funding an 8-year project to improve the management and administration of the education system at the primary and secondary levels.⁴⁴⁵⁶

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 outside traditional subsistence farming and fishing.⁴⁴⁵⁷

Under Tuvalu's Education for Life program,⁴⁴⁵⁸ education is compulsory between the ages of 6 and 15 years, and free until the age of 13.⁴⁴⁵⁹ In 1998, the gross and net primary enrollment rates were both 100 percent.⁴⁴⁶⁰ 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.⁴⁴⁶¹ Although Tuvalu has achieved almost universal primary education, secondary enrollment rates are much lower.⁴⁴⁶²

⁴⁴⁵⁰ 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; 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; available from http://www.undp.org/fj/documents/UNDAF_TUVALU%20May%202002.doc.

⁴⁴⁵¹ Youth at the United Nations, *Country Profiles on the Situation of Youth: Tuvalu*, [online] [cited July 11, 2003]; available from <http://esa.un.org/socdev/ynyin/countrya.asp?countrycode=tv>.

⁴⁴⁵² UNDP, *Tuvalu*, [previously online] [cited November 8, 2002]; available from <http://www.undp.org/fj/tuv/tuvaluprog.htm> [hard copy on file].

⁴⁴⁵³ UNICEF, *UNICEF's Programme of Assistance to Pacific Island Countries*, [online] [cited July 11, 2003]; available from http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

⁴⁴⁵⁴ ADB, *Millennium Development Goals in the Pacific: Relevance and Progress*, Manila, March 2003, 51-52; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf#page=48.

⁴⁴⁵⁵ Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 8.

⁴⁴⁵⁶ Australian Agency for International Development, *Country Brief Tuvalu*, AusAID.gov, [online] [cited July 11, 2003]; available from http://www.ausaid.gov.au/country/cbrief.cfm?DCon=5241_4447_7119_7336_4068&CountryId=22. See also Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, A 11.

⁴⁴⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Tuvalu*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18268pf.htm>.

⁴⁴⁵⁸ Office of the United Nations Resident Coordinator, *Tuvalu: UN Development Assistance Framework*, 9.

⁴⁴⁵⁹ Primary education, which is free, is required for children ages 6 through 13. See 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; available from <http://www2.unesco.org/wef/countryreports/tuvalu/contents.html>.

⁴⁴⁶⁰ More recent data on enrollment rates are not available. See UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴⁴⁶¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁴⁶² ADB, *Millennium Development Goals in the Pacific*, 50-51.

Child Labor Laws and Enforcement

Tuvaluan law sets the minimum age of employment at 14 years, and a child must be 18 years old to sign a formal work contract.⁴⁴⁶³ The law prohibits industrial labor or work on ships by children less than 15 years of age.⁴⁴⁶⁴ In addition, the Constitution and the Penal Code prohibit forced labor.⁴⁴⁶⁵ The Penal Code criminalizes the procurement of a child less than 18 years of age for prostitution.⁴⁴⁶⁶ While the Penal Code does not specifically address trafficking in children, the kidnapping or abducting of children is prohibited.⁴⁴⁶⁷ There is no information available on the enforcement of labor laws, but there were no reports of trafficking in persons, including children during 2002.⁴⁴⁶⁸

The Government of Tuvalu is not a member of the ILO, and as such has not ratified ILO Convention 138 or ILO Convention 182.⁴⁴⁶⁹

⁴⁴⁶³ U.S. Department of State, *Country Reports- 2002: Tuvalu*, Section 6d.

⁴⁴⁶⁴ Ibid.

⁴⁴⁶⁵ *Constitution of Tuvalu*, Article 17, (1978); available from http://vanuatu.usp.ac.fj/paclawmat/Tuvalu_legislation/Tuvalu_Constitution.html. See also Government of Tuvalu, *Penal Code*, (1978), Article 249 [cited August 15, 2002]; available from http://vanuatu.usp.ac.fj/Paclawmat/Tuvalu_legislation/Consolidation_1978/Tuvalu_Penal_Code.html.

⁴⁴⁶⁶ *Penal Code*, Articles 136, 38-39.

⁴⁴⁶⁷ Ibid., Articles 131-32, 241-42, 46-47.

⁴⁴⁶⁸ U.S. Department of State, *Country Reports- 2002: Tuvalu*, Section 6f.

⁴⁴⁶⁹ ILO, *Alphabetical list of ILO member countries*, [cited July 11, 2003]; available from <http://www.ilo.org/public/english/standards/relm/country.htm>.

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

The Government of Uganda has been a member of ILO-IPEC since 1998.⁴⁴⁷⁰ Through the Ministry of Gender, Labor, and Social Development, the Government has created several institutions and put in place policies to address child labor issues.⁴⁴⁷¹ The Ministry houses the Child Labor Unit, which was created to develop policies and programs on child labor⁴⁴⁷² and, in consultation with additional stakeholders, has developed a draft National Policy on Child Labor.⁴⁴⁷³ The Ministry also provides the Secretariat for the National Steering Committee on Child Labor⁴⁴⁷⁴ and oversees the National Council of Children.⁴⁴⁷⁵ As a result of the 2000 Amnesty Act, the government provides assistance to former rebels returning to Uganda, including child soldiers, in the form of resettlement packages with educational benefits and vocational training.⁴⁴⁷⁶ The military has established child protection units to assist returning child soldiers.⁴⁴⁷⁷ The government has also been involved in efforts to eliminate child labor through strategies to reduce poverty, specifically the Poverty Eradication Action Plan and the Plan for Modernisation of Agriculture.⁴⁴⁷⁸

Uganda is one of five countries participating in USDOL-funded ILO-IPEC regional programs to combat child labor in the commercial agricultural sector and build capacity to facilitate national and sub-regional efforts against the worst forms of child labor.⁴⁴⁷⁹ In 2003, the Government of Uganda is scheduled to complete a National Program to Eliminate Child Labor, which was funded by USDOL and received assistance from ILO-IPEC. The program focused on children working in commercial agriculture, construction, street children, commercial sex and domestic workers, fishing, and cross-border smuggling/drug trafficking.⁴⁴⁸⁰ In addition, ILO-IPEC's SIMPOC is

⁴⁴⁷⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 9, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁴⁷¹ ILO-IPEC, *Child Labour in Uganda: a Report Based on the 2000/2001 Uganda Demographic and Health Survey*, Report, Uganda Bureau of Statistics and ILO-IPEC, Entebbe, 2002, 7.

⁴⁴⁷² The Child Labour Unit also promotes coordination and networking among key stakeholders and monitors the implementation of programs to eliminate hazardous child labor. See FIDA (Uganda), *Children in Domestic Service: A Survey in Kampala District*, International Federation of Women Lawyers (FIDA), Kampala, 2000, 14.

⁴⁴⁷³ The policy expands on the Draft National Employment Policy and the Social Development Sectors Strategic Investment Plan and is intended to complement the Universal Primary Education Programme, the HIV/AIDS control programme, the Poverty Eradication Action Plan, the National Programme of Action for Children, and the Programme for Modernisation of Agriculture. See The Republic of Uganda, *The National Child Labour Policy*, Policy, The Ministry of Gender, Labour, and Social Development, Kampala, June 2002.

⁴⁴⁷⁴ ILO-IPEC, *Child Labour in Uganda*, 7.

⁴⁴⁷⁵ The NCC was established in 1993 to monitor the implementation of the National Plan of Action for Children. See FIDA (Uganda), *Children in Domestic Service*, 14. See also ILO-IPEC, *Child Labour in Uganda*, 7.

⁴⁴⁷⁶ On March 5, 2002, the Governments of Uganda and Sudan signed an agreement stating that Sudan would no longer support the Lord's Resistance Army and would grant access to the Uganda People's Defense Force for a limited time to pursue rebels in southern Sudan. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Uganda*, Washington, D.C., March 31, 2003, Sections 1b and 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18232.htm>.

⁴⁴⁷⁷ U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

⁴⁴⁷⁸ ILO-IPEC, *Child Labour in Uganda*, 9-11.

⁴⁴⁷⁹ ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agriculture sector in Africa*, project document, RAF/00/P51/USA, ILO-IPEC, Geneva, November 1, 2000. See also ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Children Labour in Anglophone Africa*, project document, ILO-IPEC, Geneva, September 24, 2002, i, 1.

⁴⁴⁸⁰ ILO-IPEC, *National Programme on the Elimination of Child Labour in Uganda*, technical progress report, ILO-IPEC, March 15, 2003. See also Regina Mbabazi, ILO-IPEC coordinator, interview with USDOL official, August 14, 2000.

assisting the government in conducting sectoral and thematic studies on child labor.⁴⁴⁸¹ In 2003, USDOL began funding a USD 3 million project to address the education needs of former child soldiers and children living in Northern Uganda.⁴⁴⁸²

In 1997, the Ministry of Education and Sports instituted a policy of Universal Primary Education to encourage the enrollment and retention of primary students by improving access to education, improving the quality of education, and ensuring that education is affordable.⁴⁴⁸³ In Financial Year 2002/2003, education was the largest expenditure in the government budget, with an allocation of 32 percent; of this amount, 66.6 percent was allocated to primary education.⁴⁴⁸⁴ With USAID assistance, the Ministry of Education and Sports has also developed a “Basic Education Policy and Costed Framework for Educationally Disadvantaged Children” to increase access among children not served by the current education system, including children engaged in hazardous labor.⁴⁴⁸⁵ This policy expands and coordinates current non-formal education efforts targeting underserved populations⁴⁴⁸⁶ including: the Complement Opportunities for Primary Education program,⁴⁴⁸⁷ Alternative Basic Education for Karamoja,⁴⁴⁸⁸ Child-Centered Alternatives for Non-Formal Community Based Education,⁴⁴⁸⁹ Mubende Non-Formal Education, Basic Education for Urban Poor Areas, and the Empowering Life-Long Skills Education program.⁴⁴⁹⁰ The Government of Uganda has also begun several programs to improve girls’ education.⁴⁴⁹¹

⁴⁴⁸¹ ILO-IPEC, *National Programme on the Elimination of Child Labor in Uganda*, technical progress report, Geneva, September 2002, ILO-IPEC, SIMPOC: Uganda, project revision form, ILO-IPEC, Geneva, August 14, 2002.

⁴⁴⁸² U.S. Department of Labor, *U.S. Labor Secretary Elaine L. Chao Convenes International Conference on Child Soldiers: Announces \$13 Million U.S. Initiative on Prevention and Rehabilitation*, press release, Washington, D.C., May 7, 2003; available from <http://www.childsoldiers.us/press.html>.

⁴⁴⁸³ Ministry of Education and Sports, *The Ugandan Experience of Universal Primary Education (UPE)*, The Republic of Uganda, Kampala, July 1999, 10. See also ILO-IPEC, *Child Labour in Uganda*, 7–8. More recently, the Ministry of Education and Sports has launched a national teacher recruitment drive, a program to increase the number of textbooks in Uganda and improve their distribution and utilization, and has expanded school construction. See International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper*, progress report, March 9, 2001, 5. With assistance from USAID, Uganda has developed a successful Teacher Development and Management System). See USAID/UGANDA, *Annual Report FY 2002*, Washington, D.C., March 2002; available from http://www.dec.org/pdf_docs/PDABW158.pdf.

⁴⁴⁸⁴ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Ministry of Education and Sports, *Ninth Education Sector Review: Aide memoire*, [online] May 2003 [cited June 10, 2003], 4; available from <http://www.education.go.ug/Final%209th%20ESR%20Aide%20Memoire.doc>.

⁴⁴⁸⁵ The Republic of Uganda, *Basic Education Policy and Costed Framework for Educationally Disadvantaged Children*, 1st Draft, Ministry of Education and Sports, Kampala, October 31, 2002, 1–2. See also U.S. Embassy– Kampala, electronic communication to USDOL official, February 19, 2004.

⁴⁴⁸⁶ The Republic of Uganda, *Basic Education Policy*, 1.

⁴⁴⁸⁷ COPE provides basic education to out of school children aged 10–16 who are unable to attend formal schools. See The Republic of Uganda, *Complementary Opportunities for Primary Education (COPE); Annual Report*, Ministry of Education and Sports, Kampala, 2001, v.

⁴⁴⁸⁸ ABEK is a non-formal education program adapted to the daily routines of the children of the nomadic Karamojong ethnic group. See Christine Okurut-Ibore, *Community Initiative to the Education of Pastoralists in Uganda: Alternative Basic Education Karamoja (ABEK)*, Save the Children Norway, 1.

⁴⁴⁸⁹ CHANCE increases access to education for underserved children using community-based empowerment approaches and targeting fishing communities and pastoralists. See *Child-centered Alternatives for Non-formal Community-based Education (CHANCE)*, Brochure, Save the Children Federation Inc. Uganda Office, Kampala.

⁴⁴⁹⁰ The Republic of Uganda, *Basic Education Policy*, 1. In 2003, it was estimated that there were 70,000 children enrolled in non-formal education programs in the country. See U.S. Embassy– Kampala, electronic communication, February 19, 2004.

⁴⁴⁹¹ These programs include: the Girl Education Movement, which seeks to improve girls’ leadership and technical skills; the Girl Child Education Strategy, which seeks to increase girl student enrollment; and, in conjunction with UNICEF, a “Non-Formal Alternatives” program aimed to teach basic skills to girls aged 10 to 16 years who have never attended school. See U.S. Embassy– Kampala, *unclassified telegram no. 2989*, September 18, 2001. See also *The GEM Agenda*, Annex, 1.

Incidence and Nature of Child Labor

In 2000–2001, the Uganda Bureau of Statistics estimated that 34.2 percent of children between the ages of 5 and 17 years were working in Uganda.⁴⁴⁹² The number of boys and girls engaged in child labor was relatively equal.⁴⁴⁹³ Many children are involved hazardous labor, most notably: commercial agriculture and fishing,⁴⁴⁹⁴ domestic service,⁴⁴⁹⁵ commercial sexual exploitation,⁴⁴⁹⁶ the urban informal sector and street activities (including street children),⁴⁴⁹⁷ smuggling,⁴⁴⁹⁸ armed conflict,⁴⁴⁹⁹ trafficking⁴⁵⁰⁰ and other hazardous activities.⁴⁵⁰¹ In Uganda alone, about 2 million children under 18 have been orphaned by the HIV/AIDS pandemic and are especially vulnerable to child labor.⁴⁵⁰²

Several military groups continue to force children into military service. During the 18-year conflict in Northern Uganda, the Lord's Resistance Army has abducted an estimated 20,000 children for use as soldiers, laborers and sex slaves.⁴⁵⁰³ The rate of abductions has significantly increased since the government launched Operation Iron Fist in

⁴⁴⁹² With assistance from ILO-IPEC, the Bureau of Statistics released a child labor report based on findings from the 2000–01 Uganda Demographic and Health Survey. The report estimates the total number of working children aged 5 to 17 to be 2.7 million. Twenty-three percent of children between the ages of 5 and 9 years, 46 percent of children between the ages of 10 and 14, and 30 percent of children between the ages of 15 and 17 are working. The survey also reported the greatest percentage of children working in domestic service (54.8 percent), crop farming (18.2 percent), and unskilled manual labor (15.4 percent). See ILO-IPEC, *Child Labour in Uganda*, ix, 30, 36.

⁴⁴⁹³ Ibid., 30.

⁴⁴⁹⁴ Children involved in commercial agriculture often begin working at age 4. The activity in which most children working in agriculture are involved is harvesting. Children work the longest hours (9 hours) in tea. For more information see ILO-IPEC, *Report of Baseline Survey on Child Labour in Commercial Agriculture in Uganda*, baseline survey, RAF/00/P51/USA, ILO-IPEC–Commercial Agriculture–Uganda, Geneva, October 2002, viii–ix. Some children working on sugar plantations work 10 hours a day. Many children living in fishing districts also work long hours under hazardous conditions. See The Republic of Uganda, *National Child Labour Policy*, 6–7.

⁴⁴⁹⁵ Eighty-four percent of domestic workers surveyed were girls and began work at age 9 on average, although some are reported to be as young as 5 years old. Domestic workers can work up to 15 hours a day and are more vulnerable than their peers to sexual abuse. See FIDA (Uganda), *Children in Domestic Service*, vii–viii.

⁴⁴⁹⁶ Children between the ages of 13 and 18, mainly street girls, former domestic workers who have left abusive work environments, and students at hostels, are targeted for commercial sexual exploitation. See Roger Kasirye, “Sexual Risk Behaviors and AIDS Knowledge Among Kampala Street Girls: Implication for Service Providers – A Research Experience” (paper presented at the Africa Regional ISSBD Workshop, Lusaka, Zambia, April 8–12, 1996). Commercial sexual exploitation is especially prevalent in urban areas and border towns. See U.S. Department of State, *Country Reports– 2002: Uganda*, Section 6f.

⁴⁴⁹⁷ A 1999 study estimated that 5,000 children beg, wash cars, scavenge, work in the commercial sex industry, and sell small items on the streets of Kampala. One thousand are estimated to be living on the streets full time. See The Republic of Uganda, *National Child Labour Policy*, 8. See also U.S. Department of State, *Country Reports– 2002: Uganda*.

⁴⁴⁹⁸ Children are often found transporting small items across borders with Kenya and Tanzania. See U.S. Department of State, *Country Reports– 2002: Uganda*, Section 5.

⁴⁴⁹⁹ Human Rights Watch, *Stolen Children: Abduction and Recruitment in Northern Uganda*, vol. 15, No. 7 (A) (New York: Human Rights Watch, 2003); available from <http://hrw.org/reports/2003/uganda0303/uganda0403.pdf>. See also Women's Commission for Refugee Women and Children, *Against All Odds: Surviving the War on Adolescents – Promoting the Protection and Capacity of Ugandan and Sudanese Adolescents in Northern Uganda*, New York, 2001, 1; available from <http://www.womenscommission.org/pdf/ug.pdf>.

⁴⁵⁰⁰ Uganda is considered to be a source country for trafficking of persons. There is evidence of abducted children being trafficked across the border to Southern Sudan by the Lord's Resistance Army. See also U.S. Department of State, *Country Reports– 2002: Uganda*, Section 1b, 6f.

⁴⁵⁰¹ Other hazardous activities include construction (particularly brick baking), sand and gold mining, and stone crushing. See The Republic of Uganda, *National Child Labour Policy*, 8.

⁴⁵⁰² National Aids Documentation Center (NADIC), *The HIV/AIDS Epidemic: Facts and Figures*, Uganda Aids Commission, [online database] 2002 [cited June 23, 2003]; available from <http://www.aidsuganda.org>. See also ILO-IPEC Director-General, “A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work” (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41–43.

⁴⁵⁰³ Integrated Regional Information Networks, “Uganda: Fear for children as ceasefire collapses in north”, [online], April 30, 2003 [cited August 28, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=33782>, Human Rights Watch, *Stolen Children*, 2. See also Women's Commission for Refugee Women and Children, *Against All Odds*, 2.

early 2002.⁴⁵⁰⁴ There have also been reports of children recruited by the Ugandan People's Defense Forces (UPDF), however the UPDF has cooperated with UNICEF and other international groups to screen for and demobilize underage soldiers.⁴⁵⁰⁵

The Constitution states that a child is entitled to basic education, which is the responsibility of the State and the child's parents.⁴⁵⁰⁶ The Government provides free education through grade 7. However, education is not compulsory.⁴⁵⁰⁷ In 2002, the net enrollment rate was 87.3 percent.⁴⁵⁰⁸ 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.⁴⁵⁰⁹ Although access to primary school is said to be equal for boys and girls, boys are more likely to finish primary school and perform better on leaving exams.⁴⁵¹⁰

Since the introduction of Universal Primary Education, primary school enrollment has increased from 2.9 million children in 1996 to 7.2 million in 2002.⁴⁵¹¹ However, some major obstacles to the provision of quality education remain, including the inability of teacher recruitment to keep pace with rising enrollment, low teacher salaries, internal corruption, lack of professional development and training opportunities for teachers, strained finances, inadequate infrastructure, and lack of incentives to attract teachers to hard-to-reach areas.⁴⁵¹² In 1999, approximately one-fourth of all students failed the final examinations in primary school.⁴⁵¹³

Child Labor Laws and Enforcement

The Employment Decree of 1975 has now been revised to prohibit persons below the age of 18 from engaging in hazardous labor and increase the minimum age for employment to 14 years.⁴⁵¹⁴ 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.⁴⁵¹⁵ Children's Statute No. 6 of 1996

⁴⁵⁰⁴ More abductions took place in 2002/2003 than any other period of the 18-year conflict. UNICEF estimates that there were 4,500 abductions in calendar year 2002. Rough estimates indicate that over 8,000 abductions occurred between June 2002 and May 2003, including short-term abductions. U.S. Embassy- Kampala, electronic communication, February 19, 2004.

⁴⁵⁰⁵ There were reports that the UPDF used children, recently freed from the LRA, to help find LRA landmines, camps, and arms caches. See U.S. Department of State, *Country Reports- 2002: Uganda*, Sections 1d and 6c. Some are reported to have joined the UPDF for Operation Iron Fist. See Coalition to Stop the Use of Child Soldiers, *Uganda*, in Child Soldiers 1379 Report (2002), [online database] 2002 [cited August 27, 2003], 96; available from [http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797/\\$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf](http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797/$FILE/B.%20CHILD%20SOLDIERS%201379%20REPORT-%20Countries%20A-L.pdf).

⁴⁵⁰⁶ *Constitution of the Republic of Uganda*, Article 34 (2) [cited June 11, 2003]; available from <http://www.government.go.ug/constitution/chapt4.htm>.

⁴⁵⁰⁷ Prior to 2002, the Government paid school fees for only children per family. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also U.S. Embassy- Kampala, *unclassified telegram no. 2989*.

⁴⁵⁰⁸ Uganda Demographic and Health Survey 2001/02.

⁴⁵⁰⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁵¹⁰ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5.

⁴⁵¹¹ Ibid. Recent Ministry of Education and Sport statistics give 7.35 million as the gross enrollment. See The Ministry of Education and Sport, *Statistical Abstract*, [online] 2002 [cited August 21, 2003]; available from <http://www.education.go.ug/index.htm>.

⁴⁵¹² International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper, progress report*. See also U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Ministry of Education and Sports, *Ninth Education Sector Review*, 54.

⁴⁵¹³ International Monetary Fund and the International Development Association, *Uganda: Poverty Reduction Strategy Paper, progress report*.

⁴⁵¹⁴ The Employment Decree of 1975, Section 50, originally limited employment for children between the ages of 12-18 years and prohibited children under 12 from working. See ILO-IPEC, *Child Labour in Uganda*, 6-7.

⁴⁵¹⁵ *Constitution of the Republic of Uganda*, Articles 34 (4) (5).

also prohibits the employment of children under 18 in work that may be harmful to their health, education, or mental, physical, or moral development.⁴⁵¹⁶ In addition, the Trade Union Decree No. 20 of 1976 gives minors the right to union membership.⁴⁵¹⁷ Although the Constitution prohibits child slavery, servitude and forced labor and the Criminal Code outlaws slavery and imposes up to ten-year imprisonment for infractions, enforcement is inadequate due to lack of resources.⁴⁵¹⁸

Article 125 of the Penal Code prohibits individuals from procuring girls under the age of 21 for sex in Uganda or elsewhere; violation of this Code is punishable by up to 7 years imprisonment.⁴⁵¹⁹ Owning or occupying a premise where a girl under age 18 is sexually exploited is a felony, and offenders are subject to 5 years of imprisonment under Article 127.⁴⁵²⁰ The Penal Code outlaws the import, export, purchase, sale, receipt or detention of slaves but does not cover other severe forms of trafficking.⁴⁵²¹

The Armed Forces (Conditions of Service) Regulations set the minimum age for military service at 18 years. The government continues to combat trafficking by the LRA through military efforts.⁴⁵²²

The Ministry of Gender, Labor and Social Development is charged with enforcing child labor laws as well as investigating and addressing child labor complaints through district labor officers. However, financial restraints have limited the Ministry's ability to fulfill this responsibility.⁴⁵²³

The Government of Uganda ratified ILO Convention 138 on March 25, 2003 and ratified ILO Convention 182 on June 21, 2001.⁴⁵²⁴

⁴⁵¹⁶ The Republic of Uganda, *National Child Labour Policy*, 10. Inadequate staffing for the judiciary, cultural norms, and the large number of children under the age of 18 hampered government efforts to enforce the 1996 Children's Statute. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5.

⁴⁵¹⁷ U.S. Department of State, *Country Reports- 2002: Uganda*, Section 5. See also Mohammed Mwamadzingo, Ouma Mugeni, and Harriety Mugambwa, *Trade Unions and Child Labour in Uganda: A Workers' Education Handbook* (Geneva: Bureau for Workers' Activities of the International Labour Organization in co-operation with National Organisation of Trade Unions, 2002), 17-18.

⁴⁵¹⁸ *Constitution of the Republic of Uganda*, Articles 25 (1), (2). See also U.S. Department of State, *Country Reports- 2002: Uganda*, Sections 6c and 6f.

⁴⁵¹⁹ The Republic of Uganda, *Penal Code*, as cited in The Protection Project Legal Library, [database online], Article 125; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaFpdf>. Rape carries an 18 year sentence or the death penalty. See U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²⁰ The Republic of Uganda, *Penal Code*, as cited in The Protection Project Legal Library, [database online] 2001; available from <http://209.190.246.239/protectionproject/statutesPDF/UgandaFpdf>.

⁴⁵²¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²² U.S. Department of State, *Country Reports- 2002: Uganda*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Uganda*.

⁴⁵²³ Community Child Labor Committees have also been set up to monitor child labor at the district level. See U.S. Department of State, *Country Reports- 2002: Uganda*, Section 6d. See also U.S. Embassy- Kampala, *unclassified telegram no. 1806*, August 2003.

⁴⁵²⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 8, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Uruguay is an associated country of ILO-IPEC.⁴⁵²⁵ In December 2000, the government created the National Committee for the Eradication of Child Labor (CETI).⁴⁵²⁶ CETI has developed a National Action Plan for 2003–2005 to combat child labor,⁴⁵²⁷ and, as part of this plan, the government has held seminars on the problem, developed legal reform proposals, and tailored existing adult skills training programs towards parents of working children.⁴⁵²⁸ The Government of Uruguay has cooperated with ILO-IPEC, the other MERCOSUR governments, and the Government of Chile to develop a 2002–2004 regional plan to combat child labor.⁴⁵²⁹

The National Institute for Minors, which oversees government programs for children, heads the Interinstitutional Commission for the Prevention and Protection of Children against Sexual Exploitation. The Commission conducts research on the phenomenon and operates a toll-free phone number to connect victims with support services.⁴⁵³⁰ It also developed a national plan against commercial sexual exploitation of children that includes education programs.⁴⁵³¹

The Institute collaborates with an NGO partner to provide parents of working children with monthly payments in exchange for regular class attendance by their children.⁴⁵³² INAME also works with at-risk youth such as those living on the street and provides adolescents with work training.⁴⁵³³ The government collaborates with NGOs to fund the Child and Family Service Center Plan,⁴⁵³⁴ which provides after school recreational programs for children and special services for street children.⁴⁵³⁵

⁴⁵²⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 4, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/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, no date, 13; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

⁴⁵²⁶ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 13. The committee is composed of representatives from government agencies and NGOs such as the Ministry of Labor and Social Security, the National Institute for Minors, labor unions, the Chamber of Commerce, the National Association of Nongovernmental Organizations, and UNICEF. Its functions include proposing policies and coordinating governmental and nongovernmental efforts to combat child labor in Uruguay. See Ricardo Nario, facsimile communication to USDOL official, September 6, 2002.

⁴⁵²⁷ The goals of the plan are to combat child labor through awareness raising, stronger legal protections, reintegration and retention of working children in school, and the development alternative income generation for families of working children. See ILO-IPEC, *Ficha País: Uruguay*, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichauruguay.doc>.

⁴⁵²⁸ Ministry of Labor and Social Security representative to the National Committee for the Eradication of Child Labor María del Rosario Castro, written communication to Uruguayan Minister of Labor and Social Security Santiago Pérez del Castillo in response to USDOL request for information, 2003.

⁴⁵²⁹ Cristina Borrajo, “Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras,” *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecciondos.html>. See also ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil*, 5.

⁴⁵³⁰ Other governmental agencies and UNICEF are also members of the commission. See Martin Marzano Luissi, *La Experiencia Uruguaya en Explotación Sexual de Niños, Niñas y Adolescentes*, Instituto Nacional del Menor, no date; available from http://www.iin.oea.org/M_Marzano_Uruguay.PDF. For information on INAME’s functions, see U.S. Department of State, *Country Reports on Human Rights Practices-2002: Uruguay*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18347pf.htm>.

⁴⁵³¹ U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

⁴⁵³² Ibid., Section 6d. See also U.S. Embassy –Montevideo, *unclassified telegram no. 1298*, August 14, 2003. The payments approximate the amount of money that a child would earn working on the street. See U.S. Embassy– Montevideo, *unclassified telegram no. 1824*, September 2000. INAME receives only limited funding for projects. See U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

⁴⁵³³ National Institute for Minors, *Centro de Formación y Estudios*, INAME, [online] [cited July 1, 2003]; available from <http://www.iname.gub.uy/TAREA.htm>.

⁴⁵³⁴ 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; available from <http://www.clacso.edu.ar/~libros/midaglia/introduccion.pdf>.

⁴⁵³⁵ UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, UNICEF, [online] 1999 [cited July 1, 2003], Area 7 del Plan de Accion; available from http://www.unicef.org/lac/espanol/informe_regional/uruguay/acciones.htm.

The National Administration of Public Education⁴⁵³⁶ has developed a project to train teachers on children's rights and prepare them to discuss such issues with students, parents, and members of the community.⁴⁵³⁷ It has also incorporated the issue of child labor into teacher training curriculum as part of the country's National Action Plan to combat child labor.⁴⁵³⁸ In April 2002, the World Bank provided a USD 43.4 million loan to expand government efforts to improve the coverage and quality of preschool and primary education.⁴⁵³⁹ In November 2002, Uruguay received financing from the IDB for a program to assist at-risk children and families that includes initiatives to address child labor, reduce school attrition, and improve children's performance in school.⁴⁵⁴⁰ Child labor projects under this program are expected to begin in 2004.⁴⁵⁴¹

Incidence and Nature of Child Labor

In 2001, the ILO estimated that less than one percent of children ages 10 to 14 years were working in Uruguay.⁴⁵⁴² The recent economic crisis in Uruguay, however, has reportedly led to an increase in the incidence of child labor.⁴⁵⁴³ Children work in agriculture,⁴⁵⁴⁴ ranching, and hunting.⁴⁵⁴⁵ Children also work in street vending,⁴⁵⁴⁶ services, industry, artisanry, and domestic service in third-party households.⁴⁵⁴⁷ More children work in the interior of the country than in Montevideo, the capital city.⁴⁵⁴⁸ Children engage in prostitution in Uruguay. The state government of Maldonado stated in 2002 that sex tourism and child prostitution had increased in a number of locations in the state.⁴⁵⁴⁹ There have been reports that Uruguayan girls may have been trafficked abroad to Europe for prostitution.⁴⁵⁵⁰

⁴⁵³⁶ ANEP is an autonomous government agency responsible for the oversight of public education from the preschool to the secondary level. See IDB, *Uruguay: Social Protection and Sustainability*, August 7, 2002, 7; available from <http://www.iadb.org/exr/doc98/apr/ur1417e.pdf>.

⁴⁵³⁷ National Administration of Public Education, *Derechos del niño: Derechos deberes y garantías, una propuesta pedagógica hacia un indicador de logro actitudinal, segunda parte del proyecto*, hard copy on file; available from <http://www.anep.edu.uy/primaria/InformacionInstitucional/ProyectosCEP/Derechos1.htm>.

⁴⁵³⁸ María del Rosario Castro, written communication in response to USDOL request for information.

⁴⁵³⁹ World Bank, *Uruguay: World Bank Approves \$43.4 Million for Pre-school and Primary Education*, (2002/294/LAC), [online] April 25, 2002 [cited July 1, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P070937>.

⁴⁵⁴⁰ IDB, *Uruguay: Comprehensive Program for at-risk Children, Adolescents and Families*, UR-134, 2002, 2; available from <http://www.iadb.org/exr/doc98/apr/ur1434e.pdf>.

⁴⁵⁴¹ María del Rosario Castro, written communication in response to USDOL request for information.

⁴⁵⁴² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁵⁴³ U.S. Embassy -Montevideo, *unclassified telegram no. 1298*. The Uruguayan economy was negatively affected by the economic crisis in Argentina that began in December 2001. See World Bank, *World Bank Approves \$300 Million To Help Uruguay Cope With External Shocks, Strengthen Economic Reforms*, Washington, DC, August 8, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20061319~menuPK:34466~pagePK:34370~piPK:34424~theSitePK:4607,00.html#>.

⁴⁵⁴⁴ U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6d. See also 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.

⁴⁵⁴⁵ ILO-IPEC, *Trabajo Infantil en los países del MERCOSUR*, 99.

⁴⁵⁴⁶ U.S. Department of State, *Country Reports- 2002: Uruguay*, 6d.

⁴⁵⁴⁷ ILO-IPEC, *Trabajo Infantil en los países del MERCOSUR*, 99.

⁴⁵⁴⁸ Ibid.

⁴⁵⁴⁹ U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5. See also ECPAT International, *Uruguay*, in ECPAT International, [database online] 2002 [cited June 18, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. In the capital of Montevideo, there have been reports that children are involved in prostitution rings and work as prostitutes for massage parlors. See U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 5.

⁴⁵⁵⁰ U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6f. See also ECPAT International, *Uruguay*.

The Constitution of Uruguay mandates free and compulsory primary and intermediate education⁴⁵⁵¹ for a total of 9 years.⁴⁵⁵² In 2000, the gross primary enrollment rate was 109.4 percent, and the net primary enrollment rate was 90.4 percent.⁴⁵⁵³ According to a government study in 1999, the attendance rate in urban areas was 100 percent for 5 to 11 year olds and 69.7 percent for 12 to 14 year olds.⁴⁵⁵⁴ In 1999, 90.8 percent of children enrolled in primary school reached grade five.⁴⁵⁵⁵

Child Labor Laws and Enforcement

The Children and Adolescents' Code sets the minimum age for employment at 14 years.⁴⁵⁵⁶ The Code allows children ages 12 to 14 to work in family enterprises if compulsory schooling has been completed or to work in agriculture and ranching when school is not in session.⁴⁵⁵⁷ Children 12 to 14 may also work when necessary for family survival.⁴⁵⁵⁸ Minors under 18 require government permission to work, and are prohibited from engaging in dangerous, fatiguing or night work.⁴⁵⁵⁹ Article 294 of the Penal Code prohibits procuring a person for prostitution.⁴⁵⁶⁰ The Penal Code prohibits pornography, but does not specifically address child pornography.⁴⁵⁶¹ There are no laws that specifically address trafficking in persons.⁴⁵⁶²

The Adolescent Labor Division of the National Institute for Minors bears primary responsibility for implementing policies to prevent and regulate child labor and to provide training on child labor issues.⁴⁵⁶³ The Institute works with the Ministry of Labor to investigate complaints of child labor, and the Ministry of the Interior to prosecute cases.⁴⁵⁶⁴ However, child work in the informal and agrarian sectors tends to be subject to less rigorous regu-

⁴⁵⁵¹ Right to Education, *Constitutional Guarantees: Uruguay*, [database online] [cited July 1, 2003]; available from <http://www.right-to-education.org/content/consuarant/uruguay.html>.

⁴⁵⁵² U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

⁴⁵⁵³ World Bank, *World Development Indicators 2003*.

⁴⁵⁵⁴ The study was conducted with support from UNICEF. See María del Rosario Castro, written communication in response to USDOL request for information.

⁴⁵⁵⁵ World Bank, *World Development Indicators 2003*.

⁴⁵⁵⁶ *Ley núm. 9342, por la que se dicta el Código del niño*; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁴⁵⁵⁷ Articles 223-224 as cited in Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil en el Uruguay: 2003-2005*, 2003, 12; available from <http://www.cetinf.org/plan.accion.pdf>. In addition, children in this age group must receive permission from the government in order to work. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

⁴⁵⁵⁸ Article 225 as cited in Comité Nacional para la Erradicación del Trabajo Infantil (CETI), *Plan de Acción para la Prevención y Erradicación del Trabajo Infantil*, 12.

⁴⁵⁵⁹ Articles 226-227, 231 as cited in *Ibid*. All working children under the age of 18 must obtain a work permit issued by the National Minors Institute and must provide it to their employers. During the first 9 months of 2000, INAME issued approximately 1,445 work permits to children between the ages of 14 and 18, with three-fourths of these going to boys. See U.S. Embassy- Montevideo, *unclassified telegram no. 1824*.

⁴⁵⁶⁰ If the victim is younger than 14 years, the punishment is 4 years of imprisonment. See UNDP, *Uruguay: Legislación sobre violencia*, [online] 2002 [cited July 29, 2003]; available from <http://www.undp.org/rblac/gender/campaign-spanish/uruguay.htm>.

⁴⁵⁶¹ Article 278 as cited in Interpol, *Legislation of Interpol member states on sexual offences against children: Uruguay*, [online] 2003 [cited July 1, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaUruguay.asp>.

⁴⁵⁶² U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6f.

⁴⁵⁶³ UNICEF Regional Office for Latin America and the Caribbean, *Informe Regional- Uruguay*, Area 7 del Plan de Acción. See also U.S. Embassy - Montevideo, *unclassified telegram no. 1298*.

⁴⁵⁶⁴ There have been claims that the division of responsibility between the Ministry of Labor and INAME vis a vis child labor is not always clear. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

lation.⁴⁵⁶⁵ In 2002, the Institute conducted 2,300 inspections, 200 of which resulted in fines for child labor violations.⁴⁵⁶⁶

The Government of Uruguay ratified ILO Convention 138 on June 2, 1977, and ILO Convention 182 on August 3, 2001.⁴⁵⁶⁷

⁴⁵⁶⁵ U.S. Department of State, *Country Reports- 2002: Uruguay*, Section 6d.

⁴⁵⁶⁶ Both INAME and Ministry of Labor staff are trained in child labor issues. INAME has a staff of eight inspectors to conduct these inspections. See U.S. Embassy -Montevideo, *unclassified telegram no. 1298*.

⁴⁵⁶⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 1, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In 2000, the Government of the Republic of Uzbekistan and UNICEF signed a cooperative agreement for the 2000–2004 period that aims to promote the protection and development of children and the well-being of youth.⁴⁵⁶⁸ Accordingly, UNICEF's Young People's Well-Being Program supports existing government efforts to improve awareness of healthy lifestyles for at-risk children, including homeless, out-of-school, working, and sexually exploited children.⁴⁵⁶⁹ The government also provides benefits, such as shorter work days/weeks, food allowances, and free medical service, to girls who work in harsh conditions.⁴⁵⁷⁰ The 2000 to 2005 State Program on Forming a Healthy Generation focuses on improving childhood development in such areas as health and education.⁴⁵⁷¹ The government also works with *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.⁴⁵⁷² In 2001, the government created the Family, Mother, and Child Welfare Secretariat and the Committee for Youth Affairs, which coordinate the government's child welfare efforts.⁴⁵⁷³

Through its education reform program, the government plans to expand the compulsory term of study from 9 to 12 years.⁴⁵⁷⁴ The ADB has awarded a loan to the government for additional education reform efforts to modernize the education system and curricula, encourage community participation, and provide new forms of assistance to vulnerable groups, among other initiatives.⁴⁵⁷⁵ To encourage school attendance, the government provides aid to students from low-income families in the form of scholarships, full or partial boarding, textbooks, and clothing.⁴⁵⁷⁶ In addition, children from low-income households are provided with free medical services.⁴⁵⁷⁷ A youth social protection program offers retraining and skills improvement classes for school dropouts.⁴⁵⁷⁸ USAID is also funding efforts to improve teachers' skills, enhance school curricula, encourage parental involvement in education, and increase capacity in certain primary schools.⁴⁵⁷⁹

⁴⁵⁶⁸ Government of Uzbekistan, *Executive Summary of the Republic of Uzbekistan on Implementation of the Resolutions of the World Summit for Children*, UNICEF, 2002, 11; available from http://www.unicef.org/specialesession/how_country/edr_uzbekistan_en.PDF.

⁴⁵⁶⁹ UNICEF, *Country Highlights: Uzbekistan*, [previously online] [cited September 9, 2002]; available from http://www.unicef.org/programme/countryprog/cee_cis/uzbekistan/situation.htm [hard copy on file].

⁴⁵⁷⁰ Government of Uzbekistan, *Executive Summary*, 9.

⁴⁵⁷¹ The project also aims to combat drug abuse and trafficking by children. See *Ibid.*, 23.

⁴⁵⁷² The *Makhalla* organizations provide benefits to low-income families with children under the age of 16. See U.S. Embassy–Tashkent, *unclassified telegram no. 3730*, October 15, 2002. See also Government of Uzbekistan, *Executive Summary*, 22–23.

⁴⁵⁷³ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Uzbekistan*, CRC/C/15/Add.167, November 7, 2001, para. 6. See also Government of Uzbekistan, *Information on Implementation on the Convention on the Rights of the Child*, 2001; available from <http://www.unhchr.ch/html/menu2/6/crc/doc/replies/wr-uzbekistan-1.pdf>.

⁴⁵⁷⁴ For information on current education requirements, see U.S. Department of State, *Country Reports on Human Rights Practices– 2002: Uzbekistan*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18400pf.htm>. The 12 years of mandatory schooling will consist of 4 years at the primary level, 5 years at the secondary level, and 3 years of professional or vocational training in special training institutes or colleges. The reforms are expected to be implemented by 2007. See U.S. Embassy–Tashkent, *unclassified telegram no. 3730*.

⁴⁵⁷⁵ ADB, *Modernizing and Reforming Uzbekistan's Education Sector*, Manila, December 6, 2002; available from <http://www.adb.org/Documents/News/2002/nr2002241.asp>.

⁴⁵⁷⁶ Government of Uzbekistan, *Executive Summary*, 10.

⁴⁵⁷⁷ *Ibid.*, 19.

⁴⁵⁷⁸ *Ibid.*, 11.

⁴⁵⁷⁹ USAID, *Country Profile: Uzbekistan*, Washington, D.C., March 2003; available from http://www.usaid.gov/locations/europe_eurasia/pdfs/uzbprofile.pdf.

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.⁴⁵⁸⁰ Children work in agriculture in rural areas, where the large-scale, compulsory mobilization of children to help with cotton harvests has been reported.⁴⁵⁸¹ Schools close in some rural areas to allow children to work during the cotton harvest.⁴⁵⁸² Popular media report that children help cultivate rice and raise silk worms in rural areas,⁴⁵⁸³ and work in street vending,⁴⁵⁸⁴ construction, building materials manufacturing, and transportation.⁴⁵⁸⁵ Children frequently work as temporary hired workers, or *mardikors*, without access to the social insurance system.⁴⁵⁸⁶ Children are engaged in prostitution in Uzbekistan.⁴⁵⁸⁷ Young women and girls are reportedly trafficked to destinations in the Persian Gulf and Asia for the purposes of commercial sexual exploitation.⁴⁵⁸⁸

Education is compulsory in Uzbekistan.⁴⁵⁸⁹ In 1998, the gross primary enrollment rate was 99.6 percent, and the net primary enrollment rate was 87.8 percent.⁴⁵⁹⁰ In 2000, approximately 73.4 percent of primary school age children attended school regularly.⁴⁵⁹¹ That same year, 88.7 percent of children who attended the first grade reached the fifth grade.⁴⁵⁹²

The state is implementing policies that shift the burden of financing education to the family. In addition, funding for school maintenance has been cut and school supplies are scarce.⁴⁵⁹³ 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 re-

⁴⁵⁸⁰ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Uzbekistan, *Multiple Indicator Cluster Survey (MICS)*, UNICEF, December 5, 2000, Table 42; available from <http://www.childinfo.org/MICS2/newreports/uzbekistan/uzbekistan.PDF>.

⁴⁵⁸¹ U.S. Department of State, *Country Reports- 2002: Uzbekistan*, Sections 6c and 6d. See also Parents of Almalyk city secondary school students, letter to Ministry of Public Education regarding forced cotton-picking practices, August 30, 2000.

⁴⁵⁸² U.S. Department of State, *Country Reports- 2002: Uzbekistan*, Section 6c.

⁴⁵⁸³ Cango.net, *Initiative Newsletter: The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*, cango.net, [online] 2002 [cited July 9, 2003]; available from <http://www.cango.net/news/archive/spring-2002/a0002.asp>.

⁴⁵⁸⁴ Farangis Najibullah, "Central Asia: For Many Young Uzbeks and Tajiks, Working is a Way of Life," *Radio Free Europe/Radio Liberty* (Prague), 2003; available from <http://www.rferl.org/nca/features/2003/05/27052003154228.asp>.

⁴⁵⁸⁵ See Cango.net, *The Situation with Child Labour is Unlikely to Change in the Foreseeable Future*, [cited December 19, 2002].

⁴⁵⁸⁶ Ibid.

⁴⁵⁸⁷ U.S. Department of State, *Country Reports- 2002: Uzbekistan*, Section 5. See UN Committee on the Rights of the Child, *Concluding Observations*, para. 68.

⁴⁵⁸⁸ U.S. Department of State, *Country Reports- 2002: Uzbekistan*, Section 6f. Available information does not distinguish between destination countries for the trafficking of girls and destination countries for the trafficking of women. But Uzbek women and girls are known to be trafficked to Israel, Kazakhstan, Kosovo, Malaysia, South Korea, Thailand, and the United Arab Emirates (UAE). See U.S. Department of State, *Trafficking in Persons Report- 2003: Uzbekistan*, Washington, D.C., June 11, 2003. In the past, there have been reports that children have fought with opposition groups in the country. See Coalition to Stop the Use of Child Soldiers, *Global Report: Uzbekistan*, London, May 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

⁴⁵⁸⁹ The length of compulsory education is unclear; it has been reported to be 9 years and 12 years. See U.S. Department of State, *Country Reports- 2002: Uzbekistan*, Section 5. See also U.S. Embassy-Tashkent, *unclassified telegram no. 3730*. See also K. Tomasevski, *Free and Compulsory Education for all Children: The Gap between Promise and Performance*, Primer 2, Right to Education, 2001, 26; available from <http://www.right-to-education.org/>.

⁴⁵⁹⁰ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴⁵⁹¹ Government of Uzbekistan, *Multiple Indicator Cluster Survey*, 5 and Annex, Table 11

⁴⁵⁹² Ibid., Annex, Table 10

⁴⁵⁹³ UNICEF, *Country Highlights*.

pairs.⁴⁵⁹⁴ Declining enrollment and high dropout, repetition, and absenteeism rates in both primary and secondary schools have been reported.⁴⁵⁹⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.⁴⁵⁹⁶ All working children ages 14 to 18 years are required to obtain written permission from a parent or guardian, and work may not interfere with their studies.⁴⁵⁹⁷ The Labor Code prohibits children less than 18 years of age from working in unfavorable labor conditions and establishes limited work hours for minors.⁴⁵⁹⁸ The Constitution prohibits forced labor except when fulfilling a court sentence.⁴⁵⁹⁹ The Criminal Code prohibits the abduction and recruitment of children for the purposes of sexual exploitation, with higher penalties for taking such persons out of the country.⁴⁶⁰⁰ The Code also establishes punishments for people who profit from prostitution or maintain brothels.⁴⁶⁰¹

The Ministry of Labor and Social Protection, the Prosecutor's Office, and official trade unions are the bodies responsible for labor issues. Punishments and enforcements appear to be effective deterrents to child labor in the formal sector, but less so in the family-based and agricultural sectors.⁴⁶⁰² The government has investigated numerous trafficking-related crimes, but as of June 2003, there had been no final convictions of traffickers.⁴⁶⁰³

The Government of Uzbekistan has not ratified either ILO Convention 138 or ILO Convention 182.⁴⁶⁰⁴

⁴⁵⁹⁴ U.S. Embassy–Tashkent, *unclassified telegram no. 3730*.

⁴⁵⁹⁵ UN Committee on the Rights of the Child, *Concluding Observations*, para. 57.

⁴⁵⁹⁶ Fourteen year-olds may only work in light labor that does not negatively affect their health and/or development. See U.S. Embassy–Tashkent, *unclassified telegram no. 3730*.

⁴⁵⁹⁷ 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. See *Ibid*.

⁴⁵⁹⁸ 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 and 18; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/aacfcf7e3feabf2c1256a4d00391fbc/\\$FILE/G0140749.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/aacfcf7e3feabf2c1256a4d00391fbc/$FILE/G0140749.pdf).

⁴⁵⁹⁹ *Constitution of the Republic of Uzbekistan, 1992*, (December 8, 1992), Article 37; available from http://www.ecostan.org/laws/uzb/uzbekistancon_eng.html.

⁴⁶⁰⁰ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Uzbekistan*, para 150. See also Government of Uzbekistan, *Crimes Against Sexual Freedom*, as cited in The Protection Project Legal Library, [database online], Article 135; available from <http://209.190.246.239/protectionproject/statutesPDF/UzbekistanFpdf>.

⁴⁶⁰¹ Government of Uzbekistan, *Crimes Against Sexual Freedom*, Article 131.

⁴⁶⁰² U.S. Embassy–Tashkent, *unclassified telegram no. 3730*.

⁴⁶⁰³ U.S. Embassy–Tashkent, electronic communication to USDOL official, February 20, 2004. See also U.S. Department of State, *Trafficking in Persons Report- 2003: Uzbekistan*.

⁴⁶⁰⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 20, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

In 1997, the Government of Vanuatu implemented a Comprehensive Reform Program (CRP) with a focus on education.⁴⁶⁰⁵ A major goal of the CRP program was to introduce 10 years of compulsory education for all children by the year 2010.⁴⁶⁰⁶ In 2003, the government developed an initiative to build capacity for technical vocational education in order to meet its goal of achieving universal primary education.⁴⁶⁰⁷ The government is also working with UNICEF through the Ministry of Health, other governmental departments, NGOs, and Pacific Island Regional Organizations to address the issues of early childhood education.⁴⁶⁰⁸ Another goal of the government is to increase access to secondary school education for students who complete primary school.⁴⁶⁰⁹ To meet this goal the government has received assistance from the Peace Corps in launching its “Youth with Potential” project. Peace Corps volunteers continue to support government initiatives by developing educational curricula and teaching secondary school math, science, and English.⁴⁶¹⁰

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, or forced labor involving children in Vanuatu.⁴⁶¹¹

Access to school is limited,⁴⁶¹² and there is no constitutional guarantee mandating that education be either compulsory or free.⁴⁶¹³ In 1998, the gross primary enrollment rate was 97.3 percent, and the net primary enrollment rate was 90.1 percent.⁴⁶¹⁴ 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.⁴⁶¹⁵ The educational system is complicated by the use of 2 official languages and over 100 vernaculars spread out over many islands.⁴⁶¹⁶ 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 2010.⁴⁶¹⁷

⁴⁶⁰⁵ UNESCO, *Education For All 2000 Assessment: Country Report: Republic of Vanuatu*, prepared by Sports, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/vanuatu/contents.html>.

⁴⁶⁰⁶ Information is not available on the progress of the program. See Margaret Chung and Gerald Haberkorn, *Broadening Opportunities for Education: Pacific Human Development Report*, 1999, 44.

⁴⁶⁰⁷ ADB, *Millennium Development Goals in the Pacific Relevance and Progress*, 2003 [cited October 9, 2003]; available from http://www.adb.org/documents/books/MDG_Pacific/mdg.pdf.

⁴⁶⁰⁸ UNICEF, *Assistance to Pacific Island Countries*, [online] [cited July 7, 2003]; available from http://www.undp.org/fj/un/UNICEF/UNICEF_PIC.htm.

⁴⁶⁰⁹ Peace Corps, *Vanuatu Assignments*, [online] [cited July 7, 2003]; available from <http://www.peacecorps.gov/countries/vanuatu/assignments.cfm>.

⁴⁶¹⁰ Peace Corps estimated that by the end of 2002 volunteers would have taught approximately 9,500 students. *Ibid.*, 1c.

⁴⁶¹¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Vanuatu*, Washington, D.C., March 31, 2003, Sections 6c and 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18269.htm>.

⁴⁶¹² *Ibid.*, Section 5.

⁴⁶¹³ Right to Education, *Constitutional Guarantees: Vanuatu*, Right to Education, [database online] [cited July 7, 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 July 7, 2003]; available from http://www.right-to-education.org/content/index_4.html.

⁴⁶¹⁴ UNESCO, *EFA 2000 Report: Republic of Vanuatu*.

⁴⁶¹⁵ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁶¹⁶ Chung and Haberkorn, *Broadening Opportunities for Education*, 42.

⁴⁶¹⁷ *Ibid.*, 40, 44–45.

Child Labor Laws and Enforcement

Under the Labor Code, children below the age of 12 are prohibited from working outside family-owned operations involved in agricultural production.⁴⁶¹⁸ Children between the ages of 12 and 18 are restricted from working at night or in the shipping industry.⁴⁶¹⁹ Forced labor is also prohibited by law.⁴⁶²⁰

Vanuatu's Criminal Code also prohibits procuring, aiding or facilitating the prostitution of another person or sharing in the proceeds of prostitution.⁴⁶²¹

The Government of Vanuatu is not a member of the ILO, and therefore has not ratified ILO conventions on child labor.⁴⁶²²

⁴⁶¹⁸ U.S. Department of State, *Country Reports- 2002: Vanuatu*, Section 6d.. Child labor is not perceived to be a major concern in the Pacific Island region. However, the large number of children out of school signifies that many children work either in the community or at home. See Chung and Haberkorn, *Broadening Opportunities for Education*, 42.

⁴⁶¹⁹ U.S. Department of State, *Country Reports- 2002: Vanuatu*, Section 6d.

⁴⁶²⁰ *Ibid.*, Section 6c.

⁴⁶²¹ *Criminal Code of Vanuatu*, in The Protection Project Legal Library, [database online]; available from <http://209.190.246.239/protectionproject/statutesPDF/VantuatuF.pdf>.

⁴⁶²² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 7, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Venezuela has been a member of ILO-IPEC since 1996.⁴⁶²³ In 1997, the government created the National Commission for the Eradication of Child Labor and Protection of Child Workers.⁴⁶²⁴ ILO-IPEC, with the support of the Spanish government, implemented a project from 1999 to 2000 to eliminate the commercial sexual exploitation of girls in Venezuela.⁴⁶²⁵ The National Children's Institute, the government agency responsible for the protection of children's rights,⁴⁶²⁶ has made efforts to address the commercial sexual exploitation of children by establishing Local Social Protection networks for children and adolescents who are at high risk.⁴⁶²⁷ The Ministry of Labor and the Ministry of Health and Social Development has conducted a study of the child labor situation in the country.⁴⁶²⁸

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.⁴⁶²⁹ The World Bank provided financing for a basic education project from 1993–2000 that aimed to increase access to education materials, improve teacher effectiveness, and enhance the Ministry of Education's management capacity.⁴⁶³⁰ The Ministry of Education has developed a plan for a national literacy campaign for 2003–2005 that aims, in part, to reach out-of-school youth.⁴⁶³¹ A 2002 NGO report stated that approximately 1 million children were not eligible to receive government assistance, including public education, because their births were not documented properly.⁴⁶³²

⁴⁶²³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited July 2, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁶²⁴ The Commission is responsible for collaborating with ILO-IPEC on child labor elimination projects and to encourage and strengthen coordination among national and international public and private institutions in an effort to combat child labor. See UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992: Supplementary Report, Addendum, Venezuela*, CRC/C/3/add.59, prepared by Government of Venezuela, pursuant to Article 44 of the Convention on the Rights of the Child, December 1998, para. 181; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/7ab5da65834d643f80256778004a22fd?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/7ab5da65834d643f80256778004a22fd?Opendocument). Various government agencies, such as the Office of the First Lady, the Ministry of Education, and the Ministry of Labor, as well as National Workers Organization are members of the commission. See ILO-IPEC, *Ficha País: Venezuela*, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/fichavenezuela.doc>.

⁴⁶²⁵ ILO-IPEC, *Los Proyectos IPEC en breve: Venezuela*, Caracas, 2003; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/ficha_nina_madre.doc.

⁴⁶²⁶ National Children's Institute, *Instituto Nacional del Menor*, [online] [cited October 21, 2003]; available from <http://www.inam-msds.gov.ve>.

⁴⁶²⁷ UN Committee on the Rights of the Child, *Initial Reports of States Parties Due in 1992*, para. 187.

⁴⁶²⁸ U.S. Embassy– Caracas, *unclassified telegram no. 3537*, December 2001. There is no information available on the results.

⁴⁶²⁹ UNESCO, *Education for All 2000 Assessment: Country Reports–Venezuela*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84; available from <http://www2.unesco.org/wef/countryreports/venezuela/contents.html>.

⁴⁶³⁰ World Bank, *Basic Education Project*, [online] November 3, 2003 [cited November 3, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P008218>.

⁴⁶³¹ Ministry of Education, Culture, and Sports, *Plan de Alfabetización Nacional*, [online] [cited July 2, 2003]; available from <http://www.me.gov.ve/mecd/portal/>.

⁴⁶³² The study was conducted by the NGO Community Centers for Learning. See U.S. Department of State, *Country Reports on Human Rights Practices– 2002: Venezuela*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18348pf.htm>. 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 identity and that the State shall assure that there are program and measures to determine the identity of all children and adolescents. See *Ley orgánica para la protección del niño y del adolescente, 2000*; available from <http://www.cajpe.org.pe/rij/bases/legisla/venezuel/ve42.htm>.

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.⁴⁶³³ Children work in agriculture, street vending, domestic service, artisanry, office work, and services.⁴⁶³⁴ Children are also involved in begging, petty theft on the streets, prostitution, and drug trafficking.⁴⁶³⁵ Venezuela is a source, destination, and transit country for trafficking in persons, including children.⁴⁶³⁶ Children are trafficked internally and internationally for labor and sexual exploitation.⁴⁶³⁷ Children are also trafficked from other South American countries, especially Ecuador, to work in the capital city of Caracas as street vendors and domestics.⁴⁶³⁸ There are reports that children from Venezuela have been abducted and used as soldiers by the Revolutionary Armed Forces of Colombia.⁴⁶³⁹

The Constitution mandates free and compulsory education up to the university preparatory level (15 or 16 years of age).⁴⁶⁴⁰ 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.⁴⁶⁴¹ In 2000, the gross primary enrollment rate was 101.9 percent, and the net primary enrollment rate was 88.0 percent.⁴⁶⁴² In 2000, UNICEF estimated that 92 percent of children ages 5 to 12 attended primary school.⁴⁶⁴³ Basic education suffers from chronic underfunding, and the economic turmoil in the country during 2002 led to further drops in education spending.⁴⁶⁴⁴ There are an insufficient number of well-trained teachers in some areas and dropout and repetition rates at the primary and secondary school level are high.⁴⁶⁴⁵ Approximately 1 million undocumented children also lack access to basic educational facilities.⁴⁶⁴⁶

⁴⁶³³ 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, 2000; available from <http://www.childinfo.org/MICS2/newreports/venezuela/venezuela.htm>.

⁴⁶³⁴ U.S. Department of State, *Country Reports- 2002: Venezuela*, Sections 5 and 6d.

⁴⁶³⁵ Ibid., Section 5. For additional information on child involvement in prostitution in Venezuela, see ECPAT International, *Venezuela*, in ECPAT International, [database online] [cited June 18, 2003]; available from <http://www.ecpat.net/>.

⁴⁶³⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

⁴⁶³⁷ Children are generally trafficked internally from rural to urban areas. See U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6f. Children are generally trafficked internationally from Venezuela to Europe and the United States. See U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*.

⁴⁶³⁸ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6f.

⁴⁶³⁹ Coalition to Stop the Use of Child Soldiers, “Colombia,” in *Child Soldiers 1379 Report*, London, 2002, 26; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/6be02e73d9f9cb8980256ad4005580ff/c560bb92d962c64c80256c69004b0797?OpenDocument>.

⁴⁶⁴⁰ Right to Education, *Constitutional Guarantees: Venezuela*, [database online] [cited July 2, 2003]; available from <http://www.right-to-education.org/content/consuarant/venezuela.html>. See also U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

⁴⁶⁴¹ *Ley del niño y del adolescente*, 2000, Article 53.

⁴⁶⁴² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁶⁴³ Government of Venezuela, *(MICS): Standard Tables for Venezuela*, Table 11.

⁴⁶⁴⁴ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

⁴⁶⁴⁵ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Right of the Child, Venezuela*, CRC/C/15/Add.109, Geneva, November 2, 1999, D.7. para. 28; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ed03929b951dfcb080256810005797ca?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ed03929b951dfcb080256810005797ca?Opendocument).

⁴⁶⁴⁶ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 5.

Child Labor Laws and Enforcement

The Labor Code of 1997 and the Law for the Protection of Children and Adolescents set the minimum age for employment at 14 years.⁴⁶⁴⁷ Children ages 12 to 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.⁴⁶⁴⁸ Children ages 14 to 16 can work only with the permission of their parent or legal guardian or another appropriate authority.⁴⁶⁴⁹ In most cases, children under the age of 16 are not permitted to work more than 6 hours a day (in 2 shifts of no more than 4 hours each) and 30 hours a week.⁴⁶⁵⁰ Children under the age of 18 cannot work at night.⁴⁶⁵¹ Article 38 of the Law for Protection of Children and Adolescents prohibits forced labor, slavery, and servitude.⁴⁶⁵² Forced labor is also prohibited under Article 32 of the Labor Code⁴⁶⁵³ and slavery and servitude are also prohibited under Article 54 of the Constitution.⁴⁶⁵⁴ 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.⁴⁶⁵⁵

Articles 388 and 389 of the Criminal Code prohibit inducing the prostitution and corruption of minors.⁴⁶⁵⁶ Persons convicted of these crimes can be sentenced to imprisonment from 3 to 18 months, and up to 4 years if the minor is younger than 12 years of age.⁴⁶⁵⁷ Laws protecting minors from abuse may be used to prosecute cases of child pornography.⁴⁶⁵⁸ While there is no comprehensive law on trafficking,⁴⁶⁵⁹ Article 40 of the Law for the Protection of Children and Adolescents states that children have the right to be protected from trafficking, and Article 266 provides for a penalty of 2 to 6 years imprisonment for trafficking in children.⁴⁶⁶⁰ The Ministry of Labor and the National Institute for Minors enforces child labor laws. These laws are enforced effectively in the formal sector, but less in the informal sector.⁴⁶⁶¹ Insufficient resources, a weak legal system, and corruption hamper efforts to combat trafficking. There is no evidence that the government prosecuted any cases of trafficking in 2002.⁴⁶⁶²

The Government of Venezuela ratified ILO Convention 138 on July 15, 1987, but has not ratified ILO Convention 182.⁴⁶⁶³

⁴⁶⁴⁷ Children under the age of 14 are prohibited from working in businesses, establishments, and industrial, mining, and commercial enterprises. See *Ley de reforma parcial de la Ley Orgánica del trabajo*, No. 5152, (June 19, 1997), Article 247; available from <http://natlex.ilo.org/txt/S97VEN01.htm>. See also *Ley del niño y del adolescente*, 2000, Title II, Chapter 3, Article 96.

⁴⁶⁴⁸ *Ley orgánica del trabajo*, 1997, Article 247, para. 1.

⁴⁶⁴⁹ *Ibid.*, Article 248.

⁴⁶⁵⁰ *Ibid.*, Article 254.

⁴⁶⁵¹ *Ibid.*, Article 257.

⁴⁶⁵² *Ley del niño y del adolescente*, 2000, Article 38.

⁴⁶⁵³ *Ley orgánica del trabajo*, 1997, Article 32.

⁴⁶⁵⁴ *Constitución de la República Bolivariana de Venezuela*, 1999, Article 54; available from <http://www.georgetown.edu/pdba/Constitutions/Venezuela/ven1999.html>.

⁴⁶⁵⁵ *Ley del niño y del adolescente*, 2000, Article 33.

⁴⁶⁵⁶ Criminal Code of Venezuela as cited in Interpol, *Legislation of Interpol Member States on Sexual Offenses Against Children- Venezuela*, [database online] [cited July 2, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaVenezuela.asp>.

⁴⁶⁵⁷ *Ibid.*

⁴⁶⁵⁸ *Ibid.*

⁴⁶⁵⁹ U.S. Department of State, *Trafficking in Persons Report- 2003: Venezuela*.

⁴⁶⁶⁰ *Ley del niño y del adolescente*, 2000, Article 266.

⁴⁶⁶¹ U.S. Department of State, *Country Reports- 2002: Venezuela*, Section 6d.

⁴⁶⁶² *Ibid.*, Section 6f.

⁴⁶⁶³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Yemen has been a member of ILO-IPEC since 2000.⁴⁶⁶⁴ Reports from the Ministry of Labor and Social Affairs on the state of child labor in Yemen contributed to the formation of an ILO mission to investigate child labor in 1999.⁴⁶⁶⁵ Since that time,⁴⁶⁶⁶ the Ministry has played a central role in the government's commitment and action toward eliminating child labor in the country.⁴⁶⁶⁷

The government has taken a number of steps to improve education and prevent children from engaging in hazardous work. With assistance from ILO-IPEC, UNICEF, and the World Bank, the government is finalizing a National Policy and Program Framework for the elimination of child labor in Yemen.⁴⁶⁶⁸ The government has committed to pro-actively promoting policies to curb child labor by implementing policies outlined in its Poverty Reduction Strategy Paper, which was developed in cooperation with the World Bank.⁴⁶⁶⁹ In 2002, the World Bank developed a country assistance strategy designed to complement and support the government's efforts to alleviate poverty as outlined in Yemen's strategy paper.⁴⁶⁷⁰ With support from USDOL, in October 2000, the Government of Yemen implemented a national program in cooperation with ILO-IPEC that aims to withdraw child workers from the worst forms of child labor, mainstream them into non-formal and formal education programs, provide them pre-vocational and vocational training, and offer them counseling, health care and recreational activities.⁴⁶⁷¹ In 2003, ILO-IPEC opened a rehabilitation center for street children who are victims of child labor.⁴⁶⁷² ILO-IPEC is collaborating with the Ministry to develop a baseline survey of child labor in Yemen relying on information collected from trade unions, chambers of commerce and the Ministry field offices.⁴⁶⁷³

Although Yemen has the second lowest literacy rate for women in the Middle East⁴⁶⁷⁴ and suffers from pronounced gender disparity in enrollment rates, the government is committed to improving overall basic education and bridging the gender gap.⁴⁶⁷⁵ The government's abolition of primary school fees for girls was designed to eliminate one

⁴⁶⁶⁴ ILO-IPEC, *All About IPEC: Programme Countries*, ILO-IPEC, [online] [cited September 16, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁶⁶⁵ The Ministry of Labor and Social Affairs was formerly the Ministry of Labor and Vocational Training until April 2001. See ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, Project Document, Yemen/00/P/USA, ILO, Geneva, October 2000, 7-8.

⁴⁶⁶⁶ ILO Regional Office for Asia and the Pacific: Bangkok, *Yemen*, pursuant to Thirteenth Asian Regional Meeting, August 31, 2001; available from <http://www.ilo.org/public/english/region/asro/bangkok/arm/yem.htm>.

⁴⁶⁶⁷ *Memorandum of Understanding between the Government of Yemen and the International Labour Organization*, ILO, Geneva, June 12, 2000. See also ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, project document, 7-8.

⁴⁶⁶⁸ ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, technical progress report, Sana'a, March 2003, 5.

⁴⁶⁶⁹ *Ibid.*, 2. For more on the PRSP, see Republic of Yemen, *Poverty Reduction Strategy Paper (PRSP): 2003-2005*, May 31, 2002; available from http://poverty.worldbank.org/files/Yemen_PRSP.pdf.

⁴⁶⁷⁰ Among the main objectives, the CAS seeks to develop a sound social system that emphasizes the health and education of girls. See World Bank, *Yemen Makes Strides in Poverty Fight*, press release, DevNews Media Center, September 10, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20067417~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html>.

⁴⁶⁷¹ The program targets children working in extremely hazardous or abusive conditions, children below the age of 12, and girls. The sectors from which child workers will be removed include: domestic service; agricultural and fishery work; factory work, particularly in the production of textiles and leather goods; construction; automobile repair; street vending and begging; retail trade and other services. See ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, project document, 1, 13-14.

⁴⁶⁷² Over the summer, 500 children were enrolled in the center and received training. Throughout the rest of the year, the center will hold classes after working hours to facilitate the transition from work to school. See U.S. Embassy- Sana'a, *unclassified telegram no. 2028*, August 18, 2003.

⁴⁶⁷³ *Ibid.*

⁴⁶⁷⁴ UNESCO, *Education in the Arab States: Five Million Girls Still Denied Access to School*, UNESCO Media Services, May 14 2003; available from http://portal.unesco.org/en/ev.php@URL_ID=12055&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁴⁶⁷⁵ Gender disparity in enrollment rates in Yemen is 31 percent. See UNICEF, *Girl's Education in Yemen*, UNICEF, August 29 2003; available from <http://www.unicef.org/girlseducation/Yemen.pdf>.

of the main obstacles to education.⁴⁶⁷⁶ In 2000, the Government of Yemen and the World Bank developed a 6-year Basic Education Expansion Project to give the highest priority to primary education, particularly focusing on increased access to education for girls in remote rural areas.⁴⁶⁷⁷ In June 2002, the Government of Yemen became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.⁴⁶⁷⁸

The Ministry of Education is taking steps to eliminate child labor by developing educational support programs, lowering school dropout rates of working children, and raising public awareness of the relationship between education and work.⁴⁶⁷⁹ UNICEF has been working with the government to promote education through a number of programs, including support for the government's Community School Project, which implements an integrated approach to address the gender disparity at the primary school level.⁴⁶⁸⁰ Various donor governments and the World Bank are collaborating with the Ministry of Education to expand access to education and improve the quality of basic education, and are assisting the Ministry of Education by building its capacity to implement and monitor basic education reforms and other national education sector strategies.⁴⁶⁸¹ USAID is supporting a USD 4.7 million project to increase access to and improve the quality of basic education at the school level.⁴⁶⁸²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 18.5 percent of children ages 10 to 14 years were working in Yemen.⁴⁶⁸³ Child labor is common, especially in the rural areas.⁴⁶⁸⁴ Children also work in urban areas in stores, restaurants and work-

⁴⁶⁷⁶ UN, *Summary Record of the 523rd Meeting: Yemen*, CRC/C/SR.523, Convention on the Rights of the Child, Geneva, April 27, 1999, para. 8; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/200013c949cfe26880256763005987b0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/200013c949cfe26880256763005987b0?Opendocument). According to the 1999 labor force survey of over 19,000 Yemeni households, the primary reason that children dropped out of school both in urban and rural areas was the household's inability to pay for education costs. School-related costs also ranked second among reasons why girls abandoned education; the primary reason cited was household attitudes toward girls' education. See Republic of Yemen, *Final Report: 1999 National Labour Force Survey Results*, Ministry of Labour and Vocational Training-Central Statistical Organization, Labour Market Information System Programme, 2000, table 4, 60-63.

⁴⁶⁷⁷ World Bank, *Basic Education Expansion Project*, Summary, World Bank, 2000; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P043255>. See also World Bank, *Republic of Yemen-Basic Education Expansion Project, Project Document Information*, YEPE43255, World Bank, May 26, 2000; available from http://www-wds.worldbank.org/servlet/WDSCContentServer/WDSP/IB/2000/07/27/000009265_3980929100228/Rendered/PDF/multi0page.pdf.

⁴⁶⁷⁸ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

⁴⁶⁷⁹ ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, technical progress report, ILO, Sana'a, Yemen, March 15, 2002, 10.

⁴⁶⁸⁰ Activities include building low-cost classrooms, providing a separate shift exclusively for girls, training teachers, and raising awareness. See UNICEF, *Girl's Education in Yemen*.

⁴⁶⁸¹ Electronic communication from Labor Officer to USDOL official, February 17, 2004. See also World Bank, *Basic Education Summary*.

⁴⁶⁸² Electronic communication from Labor Officer to USDOL official, February 17, 2004.

⁴⁶⁸³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. The prevalence of work among young children is also significant. It is estimated that 120,000 children aged 6 to 8 years are economically active. The average workweek of working children of all ages in Yemen is 38.5 hours. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, prepared by ILO, UNICEF, and World Bank, March 2003, 1-2; available from http://www.ucw-project.org/resources/pdf/yemen/Report_Yemen_draft.pdf.

⁴⁶⁸⁴ Children living in rural areas are more than five times as likely to work than children in urban areas. Rural child workers constitute more than 90 percent of all child workers in Yemen. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Republic of Yemen, *NLFS*, Table 11.

shops, and peddle goods on the street.⁴⁶⁸⁵ The vast majority of children work in agriculture without wages.⁴⁶⁸⁶ Other children work as street vendors, beggars, domestics and in the fishing, leather, construction, and automobile repair sectors.⁴⁶⁸⁷ There are no official reports that children in Yemen were victims of trafficking.⁴⁶⁸⁸ Children under age 18 are prohibited from entering the Government armed forces, but there are some reports that children are involved in armed conflicts.⁴⁶⁸⁹

The Constitution guarantees free and compulsory education to all Yemeni citizens.⁴⁶⁹⁰ Education is compulsory for children from ages 6 to 15 years.⁴⁶⁹¹ In 2000, the gross primary enrollment rate was 79.2 percent (61 percent for girls and 96.5 percent for boys), while the net primary enrollment rate was 67.1 percent (49.2 percent for girls and 84.2 percent for boys).⁴⁶⁹² Primary school attendance rates are unavailable for Yemen.⁴⁶⁹³ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁶⁹⁴ The Ministry of Education reported that nearly 200,000 boys dropped out of school in 1999.⁴⁶⁹⁵ Child labor is reported to interfere with school attendance, particularly in the agriculture and domestic service sectors.⁴⁶⁹⁶

⁴⁶⁸⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2002:Yemen*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18293pf.htm>.

⁴⁶⁸⁶ Republic of Yemen, *PRSP*, 11. Children working in agriculture are exposed to hazardous working conditions including the use of pesticides, prolonged exposure to extreme temperatures, and carrying weighty loads. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

⁴⁶⁸⁷ ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, project document, 14. See also Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

⁴⁶⁸⁸ U.S. Department of State, *Country Reports- 2002:Yemen*. There have been reports that Yemen has been a country of destination and transit for trafficking, but the extent to which children are involved is not known. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Dr. Mohamed Y. Mattar, "Trafficking in Persons, Especially Women and Children, in Countries of the Middle East," *Fordham International Law Journal* 26 721 (March 2003), 10, n133; available from <http://209.190.246.239/iomz.pdf>. See also The Protection Project, "Yemen," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Yemen.pdf>. UNICEF is working with the relevant ministries to investigate the reports of child trafficking. See Electronic communication from Labor Officer to USDOL official, March 6, 2004.

⁴⁶⁸⁹ Children reportedly participate in ongoing conflicts among tribal groups and in the defense of Qat (a mild narcotic found in Yemen) fields. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2. See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers: An Overview*, London, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf>. See also Peter W. Singer, *Children at War*, Brookings Institution, [online] 2002 [cited February 26, 2004]; available from <http://www.brook.edu/views/articles/fellows/singer20021101.htm>.

⁴⁶⁹⁰ *Yemen (Constitutional Guarantees)*, UNESCO, [Right to Education Database] [cited June 3, 2003], Articles 32 and 53; available from <http://www.right-to-education.org/search/index.html>.

⁴⁶⁹¹ UN, *Preliminary Report of the Special Rapporteur on the Right to Education*, Ms. Katarina Tomasevski, Submitted in Accordance with Commission on Human Rights Resolution 1998/33, UNESCO, January 1989, table 6; available from <http://www.right-to-education.org/content/unreports/unreport1prt3.html#11>.

⁴⁶⁹² World Bank, *World Development Indicators 2003*.

⁴⁶⁹³ It is estimated that only one-third of 10 to 14 year-old working children attend school. While 59 percent of working boys attend school, only 14 percent of working girls go to school. See Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 2.

⁴⁶⁹⁴ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁶⁹⁵ ILO-IPEC, *National Program on the Elimination of Child Labor in Yemen*, project document, 7-8.

⁴⁶⁹⁶ Girls from households without access to water are more than three times as likely to work full-time (primarily to fetch water), and less than half as likely to go to school as girls from households with water access. A recent ILO study found that providing a household with water access increased the probability of girls' school attendance by 16 percent in urban areas and 11 percent in rural areas. For a more detailed discussion on the relationship between household water access and children's involvement in school and work in Yemen, see Lorenzo Guarcello and Scott Lyon, *Children's Work and Water Access in Yemen*, prepared by Understanding Children's Work (UCW), March 2003; available from http://www.ucw-project.org/resources/pdf/cw_yemen_water.pdf.

Child Labor Laws and Enforcement

In 2002, the Government of Yemen passed the Yemeni Child Rights Law, which set the minimum legal working age at 14 years.⁴⁶⁹⁷ The law prohibits the employment of children under the age of 15 in industrial work; however, there are no restrictions, regardless of age, on children working in family enterprises.⁴⁶⁹⁸ Yemeni law defines a young person as someone below the age of 15.⁴⁶⁹⁹ Under the Labor Code of 1995, a young person may work up to 7 hours per day and must be allowed a 60-minute break after 4 hours of labor. Youth may work a maximum of 42 hours per week.⁴⁷⁰⁰ An employer must secure the approval of a child's guardian and notify the Ministry of Labor before employing a young person. The Labor Code prohibits hazardous working conditions for children.⁴⁷⁰¹ The Labor Code further establishes the minimum wage for children to be not less than two-thirds that of an adult.⁴⁷⁰² Penalties for violations of the Labor Code range from 5,000 riyals (USD 27.78) to 20,000 riyals (USD 111.12) and up to 3 months in prison.⁴⁷⁰³

The Ministry of Labor's Child Labor Unit is responsible for enforcing child labor laws,⁴⁷⁰⁴ but by its own admission, the government lacks the requisite resources to enforce them adequately.⁴⁷⁰⁵ The law prohibits trafficking in persons.⁴⁷⁰⁶ While there are laws in place to regulate employment of children, the government's enforcement of these provisions is limited, especially in remote areas, and inspectors generally prefer to address the problem through informal means.⁴⁷⁰⁷ The government also has not enforced the laws requiring nine years of compulsory education for children.⁴⁷⁰⁸

The Government of Yemen ratified ILO Conventions 138 and 182 on June 15, 2000.⁴⁷⁰⁹

⁴⁶⁹⁷ Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 3.

⁴⁶⁹⁸ It is estimated that 87 percent of child workers in Yemen are working in some kind of family enterprise. Ibid.

⁴⁶⁹⁹ Government of Yemen, *Labor Code of 1995*, [NATLEX] [cited June 3, 2003], Article 2; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁴⁷⁰⁰ Ibid., Article 48.

⁴⁷⁰¹ Overtime, night work, and work on official holidays are also prohibited for young persons. Moreover, employers must grant every youth a 30-day annual leave for every 12-month period of labor completed. Neither the child nor the parent may waive this annual leave. See Ibid., Articles 49-52.

⁴⁷⁰² Ibid., Article 52.

⁴⁷⁰³ The Labor Code of 1995 imposed fines ranging from 1,000 to 20,000 riyals. Ibid., Article 154. The 1997 amendment increased the fines to a minimum of 5,000 riyals and added a penalty of imprisonment for up to 3 months. See UN Committee on the Rights of the Child, *Second Periodic Reports of States Parties due in 1998: Yemen, Addendum*, prepared by Ministry of Social Security and Social Affairs Government of Yemen, pursuant to Article 44 of the Convention on the Rights of the Child, July 23, 1998, 1998, para 37; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/a72b28140dcd1e8d802566db0036b118?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/a72b28140dcd1e8d802566db0036b118?Opendocument). For currency conversion, see XE.COM, *Universal Currency Converter*, [Currency Converter] 2003 [cited June 4, 2003]; available from <http://www.xe.com/ucc/convert.cgi>.

⁴⁷⁰⁴ U.S. Department of State, *Country Reports- 2002: Yemen*, Section 6d.

⁴⁷⁰⁵ Understanding Children's Work (UCW), *Understanding Children's Work in Yemen*, 3.

⁴⁷⁰⁶ U.S. Department of State, *Country Reports- 2002: Yemen*, Section 6f. The 2003 Department of State *Trafficking in Persons Report* does not provide information on severe forms of trafficking in Yemen. See U.S. Department of State, *Trafficking in Persons Report- 2003*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

⁴⁷⁰⁷ U.S. Department of State, *Country Reports- 2002: Yemen*, Section 6d. See also U.S. Embassy- Sana'a, *unclassified telegram no. 002028*, 1.

⁴⁷⁰⁸ U.S. Department of State, *Country Reports- 2002: Yemen*.

⁴⁷⁰⁹ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited April 25, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

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

The Government of Zambia has been a member of ILO-IPEC since 2000.⁴⁷¹⁰ In September 2002, USDOL and the Zambian Ministry of Education signed a Letter of Agreement to collaborate on an education project in areas with a high incidence of child labor.⁴⁷¹¹ The government's National Policy on Children and Labor Market policy include chapters on child labor.⁴⁷¹² A National Plan of Action on Child Labor was developed in 2000 and approved by the government in December 2001.⁴⁷¹³ 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.⁴⁷¹⁴

The government participates in several USDOL-funded ILO-IPEC initiatives, including a regional capacity building program, a regional commercial agriculture sector program and a national program.⁴⁷¹⁵ As part of the national program, several ministries in Zambia have implemented activities focused on child labor policy, legislative and curriculum review, and awareness raising. In addition, the national program withdrew targeted children from hazardous work and provided them with educational and training opportunities.⁴⁷¹⁶ With technical assistance from ILO-IPEC's SIMPOC, Zambia's Central Statistical Office conducted a national child labor survey in 1999.⁴⁷¹⁷

The government has implemented several initiatives in conjunction with international organizations and NGOs for street children and increased opportunities for older youth to obtain vocational training.⁴⁷¹⁸ The government has banned street vending and the Ministry of Community Development and Social Services is working in part-

⁴⁷¹⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 13, 2003]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

⁴⁷¹¹ *Letter of Agreement between the U.S. Department of Labor and the Zambian Ministry of Education*, September 12, 2003. The USD 2 million project was funded by USDOL's Child Labor Education Initiative and is being implemented by American Institutes for Research and Jesus Cares Ministries. See USDOL, *Labor Department Funds Education Program in Zambia to Combat Child Labor*, press release, Washington, D.C., September 12, 2003.

⁴⁷¹² A.J. Cheraw, Permanent Secretary, Ministry of Labour and Social Security, letter to USDOL official, June 6, 2001. See also U.S. Embassy-Lusaka, *unclassified telegram no. 1318*, August 2003.

⁴⁷¹³ ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, technical progress report, Geneva, March 2003. See also U.S. Embassy-Lusaka, *unclassified telegram no. 1318*. See also U.S. Embassy-Lusaka, electronic communication to USDOL official, February 26, 2004.

⁴⁷¹⁴ 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.

⁴⁷¹⁵ The projects targets children working in the following sectors: commercial agriculture, commercial sexual exploitation, domestic workers, the informal sector and street workers. See ILO-IPEC, *Building the Foundations for Eliminating the Worst Forms of Child Labor in Anglophone Africa*, project document, RAF/02/P51/USA, Geneva, September 2002. See ILO-IPEC, *Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agricultural Sector in Africa: Country Annex for Zambia*, project document, RAF/00/P51/USA, Geneva, 2000. See also ILO-IPEC, *National Program on the Elimination of Child Labour in Zambia*, project document, ZAM/99/05/060, Geneva, September 1999.

⁴⁷¹⁶ The national program focused on two key objectives: building the capacity of government to address child labor issues and removing child laborers from hazardous and exploitative work. The program targeted children working on the street, in domestic work, prostitution, and the quarry mining sector. The project is nearing completion. Some notable achievements of the project include establishing a national action plan, withdrawing children from work and providing them with educational and training opportunities and training law enforcers such as the police to identify children engaged in the worst forms of child labor. Ministries that implemented activities under the national program include the Ministry of Labor and Social Security, Ministry of Education and Ministry of Sport Youth and Child Development. See ILO-IPEC, *Zambia national program, technical progress report*. See also ILO-IPEC, *Anglophone Africa Capacity Building, project document*, 12.

⁴⁷¹⁷ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC) in Zambia*, Project Document, ZAM/99/05/050, Geneva, September 1999.

⁴⁷¹⁸ The government has implemented programs including DANIDA's Development Aid from People to People project for street children and the Society for Family Health project for orphans and street children. See U.S. Embassy-Lusaka, *unclassified telegram no. 1318*.

nership with an NGO to return street children to their homes and communities.⁴⁷¹⁹ The government has undertaken a number of awareness raising activities to sensitize law makers, media, trade unions and employer organizations about child labor issues.⁴⁷²⁰

The Government of 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.⁴⁷²¹ With support from various donor groups, the government began implementing a national plan for universal primary education called the Basic Education Sub-Sector Investment Program.⁴⁷²² Child laborers are mentioned as a specific target group in both the national education policy and the national plan.⁴⁷²³ In June 2002, the Government of Zambia became eligible to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.⁴⁷²⁴

Incidence and Nature of Child Labor

In 1999, the Zambian Central Statistical Office estimated that 11.5 percent of children ages 5 to 14 years in Zambia were working.⁴⁷²⁵ Over 90 percent of these children in the same age group were engaged in agricultural activities.⁴⁷²⁶ Approximately 24 percent of working children combined work with school.⁴⁷²⁷ Children are found working in a variety of industries and occupations, including stone crushing, fisheries, manufacturing, construction, trading, business and personal services, domestic service, carpentry, food production and vending.⁴⁷²⁸ An increasing number of younger children are forced into prostitution.⁴⁷²⁹ In addition, the spread of HIV/AIDS and the grow-

⁴⁷¹⁹ Ibid.

⁴⁷²⁰ Ibid.

⁴⁷²¹ 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 UN, *Common Country Assessment - Zambia 2000*, 49.

⁴⁷²² The program began in 1999 and will continue through 2005 with a total of USD 340 million in funding (USD 167 million coming from the government of Zambia). See Government of the Republic of Zambia Ministry of Finance and Economic Development, *Interim Poverty Reduction Strategy Paper*, Lusaka, July 7, 2000, Section 24. See also World Bank, *Zambia Improves Basic Education: World Bank supports efforts with US\$40 million credit*, [press release] April 8, 1999 [cited June 17, 2003]; available from <http://www.worldbank.org/html/extdr/extme/2140.htm>. See also UN, *Common Country Assessment - Zambia 2000*, 24. See also U.S. Embassy- Lusaka, electronic communication to USDOL official, October 29, 2003.

⁴⁷²³ U.S. Embassy- Lusaka, *electronic communication*, October 29, 2003.

⁴⁷²⁴ World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

⁴⁷²⁵ This survey, which estimated that 347,357 children ages 5 to 14 were working, 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.

⁴⁷²⁶ 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.

⁴⁷²⁷ Republic of Zambia Central Statistics Office, *Zambia 1999 Child Labor Survey*, Table 4.30, 41.

⁴⁷²⁸ Ibid., Tables 4.7 and 4.15. See also A.J. Chiraw, letter to USDOL official, October 13, 2001. See also U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

⁴⁷²⁹ ILO-IPEC, *National Program, project document*, 2. See USAID, UNICEF, and Swedish International Development Agency (SIDA), *Orphans and Vulnerable Children: A Situation Analysis*, Study Fund Project, Lusaka, Section 2. See also ILO-IPEC, *HIV/AIDS and Child Labour in Zambia: A Rapid Assessment*, Geneva-Lusaka, August 2002.

ing 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.⁴⁷³⁰

To increase school access, a number of reforms have been instituted. In 2002, the government issued a proclamation abolishing school fees for grades 1 to 7 and waived compulsory uniforms in rural areas. In addition, the government waived examination fees for grade seven.⁴⁷³¹ However, education in Zambia is not compulsory.⁴⁷³² In 2000, the gross primary enrollment rate was 78.2 percent, and the net primary enrollment rate was 65.5 percent.⁴⁷³³ In 1996/7, the gross primary school attendance rate was 91.7 percent, and the net attendance rate was 67.4 percent.⁴⁷³⁴ According to USAID, there are 560,000 children not attending school in Zambia, and of those children who enter grade 1, one-third fail to complete their education through grade 7.⁴⁷³⁵ Girls' attendance tends to be lower than that of boys, especially in rural areas.⁴⁷³⁶

Child Labor Laws and Enforcement

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.⁴⁷³⁷ Under the Act, violators of the law can be fined and/or imprisoned for up to 3 months.⁴⁷³⁸ The Constitution of 1991 prohibits forced labor and establishes legal protection from exploitative work for young persons, defined as under the age of 15.⁴⁷³⁹ The Constitution prohibits trafficking of children under 15 years old and the penal code prohibits the trafficking of girls and women for sexual purposes.⁴⁷⁴⁰

⁴⁷³⁰ 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- 2002: Zambia*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/>.

⁴⁷³¹ Statistics from the Ministry of Education indicate that the number of children selected for Grade 8 has increased by 20 percent as a result of abolishing examination fees for Grade 7. See U.S. Embassy- Lusaka, *unclassified telegram no. 1318*. To replace school fees, the government increased its budgetary allocation for education and provided USD 7.6 million in 2003 to more than 5,000 schools throughout the country. U.S. Embassy- Lusaka, electronic communication, October 29, 2003.

⁴⁷³² U.S. Embassy- Lusaka, electronic communication, February 26, 2004.

⁴⁷³³ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴⁷³⁴ USAID, *Global Education Database* [CD-ROM], Washington, D.C., 2003.

⁴⁷³⁵ Enrollment rates have only marginally increased since 1990. There are a number of causes for this, including inadequate number of schools, distance between homes and schools, inadequate infrastructure and poor or no learning materials. See USAID, *Overview of USAID Basic Education Programs in Sub-Saharan Africa III*, technical paper, No. 106, SD Publication Series, Office of Sustainable Development, Bureau for Africa, Washington, D.C., February 2001, 95.

⁴⁷³⁶ 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.

⁴⁷³⁷ The Employment of Young Persons and Children Act (1933), Chapter 274, as cited in ILO-IPEC, *East Africa Commercial Agriculture, project document*, 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." It is reported that while the minimum age is 15 in the Act, in practice most employers observe 18 as the minimum age. See U.S. Embassy- Lusaka, *electronic communication, October 29, 2003*.

⁴⁷³⁸ U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

⁴⁷³⁹ The Constitution, Article 24 states that "no young person shall be employed and shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education or interfere with his physical, mental or moral development." A young person is identified in the Constitution as anyone below the age of 15 years. See *Constitution of the Republic of Zambia, 1991*, (August 1991); available from http://www.uni-wuerzburg.de/law/za00000_.html.

⁴⁷⁴⁰ Ibid. See also *Penal Code of Zambia*, Sections 135, 140-141 as cited in U.S. Embassy- Lusaka, electronic communication, February 26, 2004.

The Ministry of Labor and Social Security, which is responsible for enforcing labor laws, established a Child Labor Unit to specifically address issues relating to child labor.⁴⁷⁴¹ The Ministry conducts monthly inspections to workplaces, and recently hired 56 new labor inspectors to conduct inspections throughout the country.⁴⁷⁴² However, resources for investigations are not considered adequate and the Ministry was only able carry out about 60 percent of the child labor inspection and investigations it had set as a target.⁴⁷⁴³

The Government of Zambia ratified ILO Convention 138 on February 9, 1976, and ratified ILO Convention 182 on December 10, 2001.⁴⁷⁴⁴ As per the terms of Convention 182, the government has identified a list of occupations considered as the worst forms of child labor.⁴⁷⁴⁵

⁴⁷⁴¹ U.S. Embassy- Lusaka, *unclassified telegram no. 3288*. See also Chiraw, letter, October 23, 2001.

⁴⁷⁴² U.S. Embassy- Lusaka, *unclassified telegram no. 1318*.

⁴⁷⁴³ USD 12,000 was allocated in the 2003 budget for carrying out child labor investigations. This amount was considered insufficient to cover the basic administrative costs. Ibid.

⁴⁷⁴⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 17, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

⁴⁷⁴⁵ The following occupations are identified in the list of worst forms of child labor: mining, quarrying, manufacturing industries, construction, transportation, cord woodcutting, prostitution and agriculture. U.S. Embassy- Lusaka, *unclassified telegram no. 1318*. See also U.S. Embassy- Lusaka, *electronic communication*, October 29, 2003.

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

The Government of Zimbabwe is an associated country of ILO-IPEC.⁴⁷⁴⁶ The Government of Zimbabwe has created a Child Labor Task Force Committee to define child labor, identify child exploitation, recognize problem areas and propose legislation to resolve these problems.⁴⁷⁴⁷ The government has solicited assistance from workers, employers and NGOs to formulate country-specific approaches and strategies to eliminate child labor,⁴⁷⁴⁸ and is making efforts to incorporate child labor issues into the plans and policies of several government ministries, such as the Ministry of Health and Child Welfare, the Ministry of Education, Sport, and Culture,⁴⁷⁴⁹ and the Ministry of Public Service, Labor, and Social Welfare.⁴⁷⁵⁰ Social Welfare programs have included initiatives to support orphans, who are particularly vulnerable to engaging in child labor.⁴⁷⁵¹ The government has also been engaged in anti-trafficking efforts and programs to combat sexual exploitation of children.⁴⁷⁵²

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.⁴⁷⁵³ Recent ILO technical assistance to Zimbabwe has supported a children's play intended to raise awareness about the dangers of child labor among parents and the community. The ILO has also facilitated workshops with trade unions to raise awareness on the issue of child labor.⁴⁷⁵⁴

⁴⁷⁴⁶ ILO-IPEC, *All About IPEC Programme Countries*, [online] August 13, 2001 [cited June 12, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁴⁷⁴⁷ The Committee is composed of the Ministries of Education, Sport and Culture; National Affairs; Youth Development, Gender and Employment Creation; Public Service, Labor and Social Welfare; Health and Child Welfare; Lands, Agriculture, and Rural Resettlement; and Local Government, Public Works and National Housing. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Brief: Zimbabwe*, [online] September 12, 2002 [cited September 20, 2002]; available from <http://www.beps.net/ChildLabor/Database.htm>.

⁴⁷⁴⁸ 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).

⁴⁷⁴⁹ ILO-IPEC, *Child Labour in Commercial Agriculture in Africa*, technical workshop; Dar es Salaam, United Republic of Tanzania, August 27-30, 1996, RAF/95/05/050, Geneva, 1997; available from <http://www.ilo.org/public/english/standards/ipecc/publ/policy/papers/africa/index.htm>.

⁴⁷⁵⁰ The Ministry of Public Service, Labour and Social Welfare established a Child Welfare Forum that meets four times annually with other government agencies to discuss child welfare issues. See Ibid. In response to the growing number of children living and working in the streets of large cities, the Department of Social Welfare has initiated a "Children in Difficult Circumstances" program. As of 2000, the Department of Social Welfare has been 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 already has responsibility for many of these services. See ILO-IPEC, *Child Labour in Commercial Agriculture, technical workshop*. See Tendai Mangoma, "More Children Forced to Beg", *allAfrica.com*, [online], May 29, 2002; available from <http://allafrica.com/stories/printable/200205290632.html>.

⁴⁷⁵¹ The government approved a National Policy on the Care and Protection of Orphans in 1999. See UNAIDS, *Children Orphaned by AIDS: Front-line Responses from Eastern and Southern Africa*, UNAIDS, December 1999, 21-23; available from <http://www.unaids.org/publications/documents/children/young/orphrepteng.pdf>. The government is in the process of developing a National Plan of Action to ensure that orphans receive essential government services and to combat discrimination against orphans. See The Herald, "240,000 Children Living With HIV, Says Minister of Health", *allafrica.com*, [online], June 11, 2003; available from <http://allafrica.com/stories/printable/200306110261.html>. Funds collected from an AIDS levy on formal sector wage earners and distributed by the National AIDS Council have also been used to provide support to orphans in the form of education assistance, income generation projects, and research to identify the needs of HIV/AIDS orphans. See U.S. Embassy- Harare, *unclassified telegram no. 1669*, August 2003.

⁴⁷⁵² The Department of Social Welfare has worked with UNICEF to raise awareness and conduct research around the problem of sexual exploitation. See "Analysis of the Situation of Sexual Exploitation of Children in the Eastern and Southern Africa Region" (paper presented at the 2nd World Congress Against Commercial Sexual Exploitation of Children, Nairobi, Kenya, October 2001); available from http://www.unicef.org/events/yokohama/csec-east-southern-africa-draft.html#_Toc527979975. The government is also working with INTERPOL and immigration authorities from neighboring countries to prevent child trafficking. See U.S. Department of State, *Trafficking in Persons Report- 2003: Zimbabwe*, online, U.S. Department of State, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm>.

⁴⁷⁵³ Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey: Country Report- Zimbabwe*, online, Government of Zimbabwe, Central Statistical Office, Harare, 1999, viii; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/zimbabwe/report/index.htm>.

⁴⁷⁵⁴ ILO, *Zimbabwe: Multidisciplinary Advisory Team for Southern Africa in Harare*, [online] August 20, 2002 [cited June 13, 2003]; available from <http://www.ilo.org/public/english/region/afpro/mdtharare/country/zimbabwe.htm>.

Enrollment has suffered over the last decade due to the reintroduction of school fees.⁴⁷⁵⁵ As of 2000, the government planned to build more schools and expand existing schools to take on more students, train staff, improve school facilities, provide scholarships and cover education costs for poor children through the Social Development Fund, the Basic Education Assistance Module, and develop other social safety nets.⁴⁷⁵⁶ UNICEF and other international organizations are assisting with the government's education efforts and have been particularly involved in school feeding programs during the recent food crisis.⁴⁷⁵⁷ Between the years of 1990 to 1999, the number of training centers for out-of-school youth increased from 3 to 15 nationwide.⁴⁷⁵⁸

Incidence and Nature of Child Labor

In 1999, the Zimbabwe Central Statistics Office estimated that 33.2 percent of children ages 5 to 14 years in Zimbabwe were working.⁴⁷⁵⁹ Children work in traditional and commercial farming, forestry and fishing, domestic service, small-scale mining, gold panning, quarrying, construction, micro industries, manufacturing, trade, restaurants, and begging.⁴⁷⁶⁰ Over 90 percent of working children aged 5 to 17 reside in rural areas.⁴⁷⁶¹ Many of these children work for long hours in the fields, often in exchange for education at farm boarding schools.⁴⁷⁶² However, there is evidence that the incidence of child labor in farming has decreased as adults and children are being dispossessed through the fast track land redistribution program.⁴⁷⁶³ As the unemployment rate grows, fewer children are employed in the formal industry.⁴⁷⁶⁴ More have joined the informal sector, often exposing them to other serious hazards.⁴⁷⁶⁵ The government currently requires young people to perform compulsory

⁴⁷⁵⁵ Line Eldring, Sabata Nakanyane, and Malehoko Tshoedi, "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. School fees were reintroduced under the country's Economic Structural Adjustment Program of 1991. See 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>.

⁴⁷⁵⁶ 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; available from <http://www2.unesco.org/wef/countryreports/zimbabwe/contents.html>. BEAM 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.

⁴⁷⁵⁷ UNICEF, *Zimbabwe*, [online] April 3, 2003 [cited June 12, 2003]; available from <http://www.unicef.org/noteworthy/safricacrisis/zimbabwe.html>. See also Vongai Makamure, "Zimbabwe - WV is assisting communities," *World Vision - Africa in Harmony* (October 23, 2002). See also CAFOD, *South Africa Crisis Appeal: Facing hunger at school in Zimbabwe*, [online] 2003 [cited August 29, 2003]; available from <http://www.cafod.org.uk/southernafrica/zimempandenisch.shtml>. See also Oxfam, "Zimbabwe Short of Food," *Oxfam News* (April 3, 2003); available from http://www.oxfam.ca/news/Zimbabwe/April3_update.htm. See also Christian Aid News, *School feeding in Zimbabwe helps children to survive the drought*, in Christian Aid, [online] September 13, 2002 [cited August 29, 2003]; available from <http://www.christian-aid.org.uk/news/features/0209zimb1.htm>.

⁴⁷⁵⁸ UNESCO, *EFA 2000 Report: Zimbabwe*.

⁴⁷⁵⁹ Ministry of Public Service, Labour, and Social Welfare, *National Child Labour Survey*, 53.

⁴⁷⁶⁰ *Ibid.*, 45, 60. See also Eldring, Nakanyane, and Tshoedi, "Child Labor in the Tobacco Growing Sector", 87.

⁴⁷⁶¹ In both rural and urban areas the percentages of working boys and working girls are relatively the same. See 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; available from <http://lists.essential.org/intl-tobacco/msg00298.html>.

⁴⁷⁶² 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 Tshoedi, "Child Labor in the Tobacco Growing Sector", 84.

⁴⁷⁶³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Zimbabwe*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18234.htm>.

⁴⁷⁶⁴ *Ibid.*

⁴⁷⁶⁵ *Ibid.* In 2002, several officials noted a surge in illegal gold panning among children. Some are reported to be as young as eleven years old. See Tsitsi Matope, "Rushing Faces Food Shortage", *allAfrica.com*, [online], August 16, 2002; available from <http://allafrica.com/stories/printable/200208160250.html>.

youth service at government-sponsored training camps rumored to prepare young people for service in youth militias.⁴⁷⁶⁶

In 1999, there were reportedly 12,000 street children in Zimbabwe, and their number is estimated to have increased steadily since that time.⁴⁷⁶⁷ As of 2001, a growing number of children under 17 years were reportedly engaged in prostitution.⁴⁷⁶⁸ The traditional practice of offering a young girl as payment in an inter-family feud continues to occur in Zimbabwe, as does early marriage of young girls.⁴⁷⁶⁹ There are anecdotal reports of cross-border trafficking of children for farm labor and commercial sexual exploitation.⁴⁷⁷⁰ Within Zimbabwe, children from rural areas are often recruited to work as domestics in the houses of distant kin or unrelated employers for long hours with little free time.⁴⁷⁷¹ The child labor situation is compounded by the HIV/AIDS pandemic, which, in Zimbabwe alone, has left close to one million children orphaned, reliant on informal work to supplement lost family income and forced some to work as caregivers for sick adults.⁴⁷⁷² As a result of the pandemic, Zimbabwe is currently experiencing an increase in child headed households.⁴⁷⁷³

Education is neither free nor compulsory.⁴⁷⁷⁴ Enrollment is at its lowest in 10 years. In 2000, the gross primary enrollment rate was 95 percent. The net primary enrollment rate was 79.6 percent.⁴⁷⁷⁵ Recent attendance rates for Zimbabwe are not available, but in 1994, the gross and net primary attendance rates were 108.9 and 84.6 percent

⁴⁷⁶⁶ The government has threatened to bar those who do not participate in the training from civil service jobs, and government-sponsored university studies. Youth militias known as the Green Bombers are said to be responsible for much of the violence observed during the 2002 Presidential elections. See U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 6c.

⁴⁷⁶⁷ Street children are found begging, watching parked cars, and doing other odd jobs. See *Ibid.*, Section 5.

⁴⁷⁶⁸ U.S. Embassy- Harare, *unclassified telegram no. 1669*. There have been instances of children being sexually exploited by humanitarian workers in exchange for food. See U.S. Department of State, *Trafficking in Persons Report- 2003: Zimbabwe*. See also The Herald, "Region Needs to Curb Child Sexual abuse", *allafrica.com*, [online], January 11, 2003; available from <http://allafrica.com/stories/printable/200301130562.html>.

⁴⁷⁶⁹ Polygyny and early marriages is generally accepted among Indigenous African churches. See U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 5.

⁴⁷⁷⁰ Zimbabwe is considered a source country for children trafficked for prostitution to South Africa and a transit country for trafficking from Asia, Malawi, Zambia, and Mozambique. See U.S. Department of State, *Trafficking in Persons Report- 2003: Zimbabwe*. There are indications that children from Zimbabwe have been recruited to work on farms in the northern province of South Africa. See African Eye News Service, "Over 200,000 children used as child labour on farms", *allAfrica.com*, [online], 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, Johannesburg, July 16, 2002, [cited August 14, 2003]; available from <http://allafrica.com/stories/printable/200207160635.html>.

⁴⁷⁷¹ These children have been known to be as young as ten years old. See Micheal Bourdillion, "Working Children in Zimbabwe" (paper presented at the Conference on Orphans and Vulnerable Children in Africa, Uppsala, September 13-16, 2001); available from <http://www.nai.uu.se/sem/conf/orphans/bourdillion.pdf>.

⁴⁷⁷² ILO-IPEC Director General, "A Future without Child Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights to Work" (paper presented at the International Labour Conference, 90th Session 2002, Geneva, 2002), 41-43; available from <http://www.ilo.org/public/english/standards/decl/download/global3/part1chapter3.pdf>. One source estimates 780,000 orphans under age 14 have lost parents to HIV/AIDS. See Joint UN Programme on HIV/AIDS, *Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Infections: Zimbabwe*, in UNAIDS, [online database] 2002 [cited August 29, 2003]; available from http://www.unaids.org/hiv/aidsinfo/statistics/fact_sheets/pdfs/Zimbabwe_en.pdf. Others estimate there will be roughly one million children below the age of 15 orphaned by 2005. See The Herald, "240,000 children Living With HIV".

⁴⁷⁷³ According to a 1997 survey, over 35,000 heads of households are under the age of 20 and 3000 are under 15 years. Estimates suggest that 24,000 orphans are likely to be homeless as a result of the fast track land redistribution program. See Bourdillion, "Working Children in Zimbabwe".

⁴⁷⁷⁴ U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 5.

⁴⁷⁷⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

respectively.⁴⁷⁷⁶ Certain segments of the educational system are particularly weak. Few commercial farms have schools and landowners who do provide schools have allegedly suspended children from attending classes if they refuse to work in the fields.⁴⁷⁷⁷ The impact of the recent political turmoil, fast track land redistribution program, drought and impending famine in Zimbabwe has yet to be determined but has already had a negative effect on school enrollment and attendance.⁴⁷⁷⁸ Already, several schools have closed as a result of political violence and land redistribution.⁴⁷⁷⁹ Due to HIV/AIDS, remaining schools face a shortage of teachers.⁴⁷⁸⁰

Child Labor Laws and Enforcement

The Labor Relations Amendment Act recently raised the minimum age for employment from 12 to 13 years, specifying that children between the ages of 13 and 15 can only be employed as apprentices and only under special training conditions.⁴⁷⁸¹ Under the law, young persons under the age of 18 years are prohibited from performing work that might jeopardize their health, safety or morals and 15 years is the minimum age at which children may perform light work.⁴⁷⁸² Although, the Child Adoption and Protection Amendment Act (prohibiting the involvement of children in hazardous labor) was passed in 2001, implementation has been slow to follow.⁴⁷⁸³ The Act defines hazardous labor as any work likely to interfere with the education of children, expose children to hazardous substances, involve underground mining, require the use of electronically powered hand tools, cutting or grinding

⁴⁷⁷⁶ Ibid. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁴⁷⁷⁷ 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 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.

⁴⁷⁷⁸ Due to the high rate of inflation, school fees have risen sharply, forcing parents to pull their children from school. Selection committees designating social welfare grants to needy students have been known to deny assistance to members of the opposition, the Movement for Democratic Change (MDC), political party. See U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 5. See also See World Bank, *Structural Adjustment*, [cited August 14, 2003].

⁴⁷⁷⁹ Several schools were shut down, in addition to teachers being tortured for their support of the MDC opposition party and prevented from working unless they supported the ZANU-PF ruling party. Some schools were reportedly used as torture centers. See U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 1c, 5. See also Amnesty International, *Zimbabwe*, [online] December 2003 [cited August 29, 2003]; available from <http://web.amnesty.org/report2003/Zwe-summary-eng>. The closing of more than 500 schools on formerly white owned farms in 2002, has left over 250,000 children unable to attend classes. Two hundred thousand of the children who attended the closed schools were primary school students. See Itai Dzamara, "Land-Grab Deprives 250,000 Pupils of Education", allAfrica.com, [online], July 22, 2002, [cited August 14, 2002]; available from <http://allafrica.com/stories/printable/200207220629.html>.

⁴⁷⁸⁰ The ILO estimates that Zimbabwe may lose a further 16,200 teachers to HIV/AIDS over the next decade. See Desmond Cohen, *Human capital and the HIV epidemic in sub-Saharan Africa*, Working Paper 2, ILO Programme on HIV/AIDS and the World of Work, Geneva, June 2002; available from http://www.ilo.org/public/english/protection/trav/aids/publ/wp2_humancapital.pdf.

⁴⁷⁸¹ The Labour Relations Amendment Act was enacted in March 2003. It replaces the earlier Labor Relations Regulation of 1997, which set 12 years as the minimum age for general employment but prohibited children under 16 years of age from engaging in activities other than light work, apprenticeships, or vocational training. See Republic of Zimbabwe, *Labour Relations Amendment Act*, (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 The Republic of Zimbabwe, *Labour Relations Regulations: Employment of Children and Young Persons*, (1997); available from <http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe/46825>. See also U.S. Embassy- Harare, *unclassified telegram no. 1669*.

⁴⁷⁸² U.S. Embassy- Harare, *unclassified telegram no. 1669*. 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. 1669*.

⁴⁷⁸³ U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 6d. See also The Republic of Zimbabwe, *Children's Protection and Adoption Amendment Act*, (2001); available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe?wq_fld=B380&wq_val=Zimbabwe&wq_rel=AND&wq_fld=B380&wq_val=Children&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=.

blades, expose children to extreme conditions, or to occur during a night shift.⁴⁷⁸⁴ The Labor Relations Amendment Act also prohibits forced labor yet makes an exception for labor required from a member of a disciplined force, presumably allowing for compulsory service in the National Youth Service.⁴⁷⁸⁵

According to the amended Labor Act, violators of Section 11, Employment of Young Persons, are subject to fines not exceeding ZWD 30,000 (USD 8) and/or imprisonment not exceeding 2 years.⁴⁷⁸⁶ Persons violating Section 4A, Prohibition of Forced Labor are also liable for fines and imprisonment.⁴⁷⁸⁷ 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 ZWD 35,000 (USD 9) or imprisonment of up to 7 years.⁴⁷⁸⁸ No laws specifically address trafficking in persons.⁴⁷⁸⁹ However, the Act also establishes a maximum fine of ZWD 50,000 (USD 13) and a maximum sentence of 10 years for procuring another person for prostitution or sex inside and outside of the country.⁴⁷⁹⁰ The Immigration Act prohibits prostitutes and persons benefiting from the earnings of prostitution from entering the country.⁴⁷⁹¹ Common law also criminalizes the removal of a child without the consent of the child's parent or guardian.⁴⁷⁹² The Sexual Offenses Act has led to little improvement in the lives of children due to magistrates' unfamiliarity with the law.⁴⁷⁹³ Although the government has established Victim Friendly Courts in Harare, these are understaffed as a result of magistrates' preference for more lucrative employment.⁴⁷⁹⁴

Labor regulations, including 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.⁴⁷⁹⁵

The Government of Zimbabwe ratified ILO Convention No. 138 on June 6, 2000, and ILO Convention No. 182 on December 11, 2000.⁴⁷⁹⁶

⁴⁷⁸⁴ *Children Protection and Adoption Amendment Act*.

⁴⁷⁸⁵ *Labour Relations Amendment Act, 2002*. The Act's definition of forced labor also excludes labor required by way of parental discipline. See U.S. Embassy- Harare, *unclassified telegram no. 1669*.

⁴⁷⁸⁶ U.S. Embassy- Harare, *unclassified telegram no. 1669*. For currency conversion see U.S. Embassy- Harare official, electronic communication to USDOL official, February 18, 2004.

⁴⁷⁸⁷ U.S. Embassy- Harare, *unclassified telegram no. 1669*.

⁴⁷⁸⁸ Ibid. 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 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. 260; available from <http://www.unhchr.ch/tbs/doc.nsf/385c2add1632f4a8c12565a9004dc311/b82db9a977eea080412562e600392abc?OpenDocument&Highlight=0,Zimbabwe>.

⁴⁷⁸⁹ U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 6f. For currency conversion see U.S. Embassy- Harare official, electronic communication, February 18, 2004.

⁴⁷⁹⁰ U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 5, 6f. For currency conversion see U.S. Embassy- Harare official, electronic communication, February 18, 2004.

⁴⁷⁹¹ The Republic of Zimbabwe, *Immigration Act*, (December 31, 1995), Part III, section 14. See also The Protection Project, "Zimbabwe," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Zimbabwe.pdf>.

⁴⁷⁹² UN Committee on the Rights of the Child, *Initial Reports of States Parties: Zimbabwe*, para. 265.

⁴⁷⁹³ U.S. Department of State, *Country Reports- 2002: Zimbabwe*, Section 5.

⁴⁷⁹⁴ Ibid. The development of VFCs has led to child friendly legal facilities and collaborations with police stations, hospitals, social welfare, families, communities and prosecutors' offices. See "Analysis of the Situation of Sexual Exploitation", Section 6.10.

⁴⁷⁹⁵ Eldring, Nakanyane, and Tshoedi, "Child Labor in the Tobacco Growing Sector", 85-86.

⁴⁷⁹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 14, 2003]; available from <http://www.ilo.org/ilolex/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 countries and territories 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.⁴⁷⁹⁷

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. The Government of Anguilla has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the child.⁴⁷⁹⁸ Primary education is compulsory from the ages of 5 to 11 years.⁴⁷⁹⁹ In 1998, the gross primary enrollment rate was 100.7 percent, and the net primary enrollment rate was 98.9 percent.⁴⁸⁰⁰ According to the population Census 2001 there was a small number of children not attending school below the age of 15 years due to severe physical/mental disabilities. There is a drive by the Special Needs Department in the Ministry of Education to provide opportunities for these children to attend schools where possible.⁴⁸⁰¹ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸⁰² The Government of Anguilla has collaborated with UNESCO and the OECS to develop an Education for All plan that aims to raise educational achievement levels, improve access to quality special education services, provide human resource training for teachers and education managers, promote curriculum standardization, and increase the emphasis on social education and the involvement of teachers in educational planning.⁴⁸⁰³

British Virgin Islands (territory of the United Kingdom)

Statistics on the number of working children under the age of 15 in the British Virgin Islands are unavailable, but children reportedly work occasionally during the afternoons and on weekends in family-owned businesses, supermarkets and hotels.⁴⁸⁰⁴ Under the Education Ordinance, children must attend school until the age of 14.⁴⁸⁰⁵ The Labor Standards set the minimum age for employment at 14 years.⁴⁸⁰⁶ The government has set up a Complaints Commission to handle complaints of violations of children's rights.⁴⁸⁰⁷

⁴⁷⁹⁷ ILO official Nate Elkin, electronic communication to USDOL official, January 31, 2002. See also USDOL official, 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*; available from <http://www.ilo.org/public/english/about/iloconst.htm>.

⁴⁷⁹⁸ Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations*, CRC/C/15/Add.135, Geneva, October 16, 2000; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.135.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.135.En?OpenDocument).

⁴⁷⁹⁹ UNESCO, *Education for All 2000 Assessment: Country Reports- Anguilla*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, September 1999; available from <http://www2.unesco.org/wef/countryreports/anguilla/contents.html>. Education is compulsory between the ages of 5 and 17 years. See UNESCO, *Statistics: National Education Systems*, [database online] [cited June 30, 2003]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html. See also U.S. Department of State official, electronic communication to USDOL official, March 16, 2004.

⁴⁸⁰⁰ UNESCO, *EFA Country Report: Anguilla*.

⁴⁸⁰¹ U.S. Department of State official, electronic communication, March 16, 2004.

⁴⁸⁰² For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁸⁰³ UNESCO, *EFA Country Report: Anguilla*. See also U.S. Department of State official, electronic communication, March 16, 2004.

⁴⁸⁰⁴ Sheila Brathwaite, Permanent Secretary, Ministry of Natural Resources and Labour, letter to USDOL official, September 14, 2000.

⁴⁸⁰⁵ Ibid.

⁴⁸⁰⁶ Ibid.

⁴⁸⁰⁷ Committee on the Rights of the Child, *Concluding Observations*.

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.⁴⁸⁰⁸ Education is compulsory and free⁴⁸⁰⁹ for children between the ages of 5 and 15 years.⁴⁸¹⁰ In 1996–1997, education expenditure was 3.2 percent of GDP.⁴⁸¹¹ That same year, the primary gross enrollment rate was 111.4 percent, and the primary net enrollment rate was 98.3 percent.⁴⁸¹² While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸¹³

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.⁴⁸¹⁴ Children under the age of 18 may not work in dangerous occupations, unless they have been trained to handle dangerous machinery.⁴⁸¹⁵ The Labor and Consumer Affairs Division of the Ministry of Internal Affairs is responsible for monitoring the implementation of child labor laws.⁴⁸¹⁶

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.⁴⁸¹⁷ Children are most commonly employed as babysitters, or in other part-time employment that generally occurs on Saturdays and on school holidays.⁴⁸¹⁸ Education is free and compulsory from 5 years of age until the end of the academic year when a child reaches 16 years of age.⁴⁸¹⁹ 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.⁴⁸²⁰ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸²¹

⁴⁸⁰⁸ U.S. Embassy Australia official, electronic communication to USDOL official, October 1, 2001.

⁴⁸⁰⁹ UNESCO, *Education for All 2000 Assessment: Country Reports- Cook Islands*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84; available from http://www2.unesco.org/wef/countryreports/cook_islands/rapport_1.htm.

⁴⁸¹⁰ U.S. Embassy Australia official, electronic communication, October 1, 2001. See also UNESCO, *EFA Country Report: Cook Islands*.

⁴⁸¹¹ UNESCO, *EFA Country Report: Cook Islands*.

⁴⁸¹² Ibid.

⁴⁸¹³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁸¹⁴ U.S. Embassy Australia official, electronic communication, October 1, 2001.

⁴⁸¹⁵ Ibid.

⁴⁸¹⁶ Ibid.

⁴⁸¹⁷ The Government reported that it has no records of how many children between the ages of 14 and 18 are working on a part-time basis. See Alison A.M. Inglis, Crown Counsel, electronic communication to USDOL official, September 11, 2002.

⁴⁸¹⁸ Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties due in 1996- Addendum*, CRC/C/41/Add.9, Geneva, May 29, 2000; available from [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/CRC.C.41.Add.9.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/CRC.C.41.Add.9.En?OpenDocument).

⁴⁸¹⁹ Inglis, electronic communication, September 11, 2002.

⁴⁸²⁰ Ibid.

⁴⁸²¹ 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; 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.⁴⁸²² The Employment of Women, Young Persons and Children Ordinance of 1967 prohibits children under the age of 18 from working in industrial establishments.⁴⁸²³ The sale, trafficking and abduction of children under the age of 16 years is an offense in the Falkland Islands; the sale, trafficking and abduction of children between the ages of 16 and 18 years is prohibited under the United Kingdom's Sexual Offences Act of 1956.⁴⁸²⁴ 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.⁴⁸²⁵ The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the Child.⁴⁸²⁶

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 1998–2003.⁴⁸²⁷ 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 15.⁴⁸²⁸ Procurement of a girl under 18 years of age, permitting a girl under 13 years of age to use premises for intercourse, and causing or encouraging prostitution of a girl under 16 years of age are illegal.⁴⁸²⁹ Slavery, servitude and forced labor are prohibited under the Gibraltar Constitution Order of 1969.⁴⁸³⁰ The Convention on the Rights of the Child has not yet been extended to include Gibraltar.⁴⁸³¹

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. The government has yet to establish an independent mechanism to review complaints from children concerning violations of their rights under the Convention on the Rights of the child.⁴⁸³² Education is compulsory for children between the ages of 5 and 16, and free up to the age of 17.⁴⁸³³ The incidence of truancy and the number of drop-outs from school is increasing.⁴⁸³⁴ The Government of Montserrat developed an *Education in the Country Policy Plan for 1998-2002* in conjunction with the United

⁴⁸²² Inglis, electronic communication, September 11, 2002.

⁴⁸²³ Rosalind Cheek, Crown Counsel, Attorney General's Chambers, electronic communication to USDOL official, December 21, 2000.

⁴⁸²⁴ Committee on the Rights of the Child, *Initial Reports of States Parties- Addendum*, 37.

⁴⁸²⁵ Cheek, electronic communication, December 21, 2000.

⁴⁸²⁶ Committee on the Rights of the Child, *Concluding Observations*.

⁴⁸²⁷ Royal Gibraltar Police, *Royal Gibraltar Police Annual Report 2001-2002: General Statistics*, [online] [cited July 1, 2003]; available from <http://www.gibraltar.gov.gi>.

⁴⁸²⁸ Government of Gibraltar, *Education and Training*, [online] [cited July 1, 2003]; available from http://www.gibraltar.gov/gi/gov_depts/education_index.htm.

⁴⁸²⁹ *Gibraltar*, Interpol: Legislation of Interpol Member States on Sexual Offences Against Children:, [database online] [cited June 30, 2003]; available from <http://www.interpol.int/public/children/SexualAbuse/NationalLaws/csaGibraltar.asp>.

⁴⁸³⁰ *The Gibraltar Constitutional Order of 1969*, (May 23, 1969); available from <http://www.gibraltar.go.gi/>.

⁴⁸³¹ Committee on the Rights of the Child, *Concluding Observations*.

⁴⁸³² Ibid.

⁴⁸³³ U.S. Department of State official, electronic communication, March 16, 2004. See also Alex Ackie, Clerical Officer, Governor's Office, electronic communication to USDOL official, January 23, 2001.

⁴⁸³⁴ Committee on the Rights of the Child, *Concluding Observations*.

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.⁴⁸³⁵

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 from 5 to 16 years of age.⁴⁸³⁶ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸³⁷ 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.⁴⁸³⁸

Pitcairn Islands (territory of the United Kingdom)

In 2002, the Government of Pitcairn Islands reported that there were no working children in the territory.⁴⁸³⁹ Children under the age of 15 are prohibited from engaging in paid government work.⁴⁸⁴⁰ Education is free and compulsory between the ages of 5 and 15.⁴⁸⁴¹ The net primary school enrollment rate in 2002 was 100 percent.⁴⁸⁴² While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸⁴³ 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 16.04).⁴⁸⁴⁴

Saint Helena (territory of the United Kingdom)

In 2000, the Government of St. Helena reported that there were no working children in the territory.⁴⁸⁴⁵ The minimum age for employment is 15 years.⁴⁸⁴⁶ Education is free and compulsory between the ages of 5 and 15.⁴⁸⁴⁷

⁴⁸³⁵ 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>.

⁴⁸³⁶ The compulsory school leaving age changed from 14 to 16 years of age in 1998. See UNESCO, *Education for All 2000 Assessment: Country Reports- Niue*, prepared by Department of Education, pursuant to UN General Assembly Resolution 52/84, 1997; available from <http://www2.unesco.org/wef/countryreports/niue/contents.html>. See also UNESCO Institute for Statistics, *National Education Systems*, [database online] [cited June 30, 2003]; available from http://www.uis.unesco.org/statsen/statistics/yearbook/tables/Table3_1.html.

⁴⁸³⁷ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁸³⁸ UNESCO, *EFA Country Report: Niue*.

⁴⁸³⁹ Leon Salt, Commissioner for Pitcairn Islands, electronic communication to USDOL official, August 25, 2002.

⁴⁸⁴⁰ Leon Salt, Commissioner for Pitcairn Islands, electronic communication to USDOL official, November 7, 2000.

⁴⁸⁴¹ Ibid.

⁴⁸⁴² Salt, electronic communication, August 25, 2002.

⁴⁸⁴³ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁸⁴⁴ Salt, electronic communication, August 25, 2002. For currency conversion see FXConverter, [online] [cited July 1, 2003]; available from <http://www.oanda.com/convert/classic>.

⁴⁸⁴⁵ Gillian Francis, Assistant Secretary, electronic communication to USDOL official, November 24, 2000.

⁴⁸⁴⁶ Ibid.

⁴⁸⁴⁷ Ibid.

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.⁴⁸⁴⁸

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 14.⁴⁸⁴⁹ In 1999, the gross primary enrollment rate was 113.1 percent, and the net primary enrollment rate was 112.7 percent.⁴⁸⁵⁰ While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁴⁸⁵¹

West Bank and Gaza Strip

The West Bank and Gaza Strip is an associated member of ILO-IPEC.⁴⁸⁵² During January through March 2003, the Palestinian Central Bureau of Statistics estimated that less than 1 percent of children ages 10 to 14 were working in the Palestinian territories.⁴⁸⁵³ Children work on family farms, in family shops and as urban street vendors. Some children also work in small manufacturing enterprises, such as shoe and textile factories.⁴⁸⁵⁴ There are also reports that children and adolescents have been enrolled in military-style camps and have participated in Palestinian armed groups.⁴⁸⁵⁵

Education is compulsory through grade nine.⁴⁸⁵⁶ The gross enrollment rate in basic education was 96.8 percent in 1999–2000⁴⁸⁵⁷ and the net enrollment rate in 1998–1999 was 90.9 percent.⁴⁸⁵⁸ 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.⁴⁸⁵⁹ Closures limited children's and teachers' access to schooling in 2002, and student learning was reported to be negatively affected by the violent security situation.⁴⁸⁶⁰ The violence resulted in the cancellation of classes in areas under curfew,⁴⁸⁶¹ delays in

⁴⁸⁴⁸ UNESCO Institute for Statistics, *National Education Systems*.

⁴⁸⁴⁹ See UNESCO, *Education for All 2000 Assessment: Country Reports- Turks and Caicos Islands*, prepared by Ministry of Education, et al., September, 1999, [cited August 29, 2003]; available from http://www2.unesco.org/wef/countryreports/turks_caicos/contents.html.

⁴⁸⁵⁰ Ibid.

⁴⁸⁵¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴⁸⁵² ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited July 3, 2003]; available from http://www.ilo.org/public/english/standards/ipe/about/countries/t_country.htm.

⁴⁸⁵³ Palestinian Central Bureau of Statistics, *Main Findings According to the Relaxed Definition of Unemployment*, January – March, 2003, [cited July 3, 2003]; available from http://www.pcbs.org/english/press_r/press28/result_28.htm.

⁴⁸⁵⁴ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Israel and the Occupied Territories*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18278.htm>.

⁴⁸⁵⁵ Coalition to Stop the Use of Child Soldiers, "West Bank and Gaza Strip," in *Global Report 2001*; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc?OpenView>.

⁴⁸⁵⁶ U.S. Department of State, *Country Reports- 2002: Israel and the Occupied Territories*, Section 5.

⁴⁸⁵⁷ Palestinian Central Bureau of Statistics, *Gross Enrollment Rate in the Basic Stage 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.

⁴⁸⁵⁸ 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>.

⁴⁸⁵⁹ U.S. Department of State, *Country Reports- 2002: Israel and the Occupied Territories*, Section 5.

⁴⁸⁶⁰ Ibid.

⁴⁸⁶¹ Ibid.

school construction and sharp declines in teaching time due to problems with teacher attendance.⁴⁸⁶² School dropout rates also rose for the first time in ten years.⁴⁸⁶³ In 2001, the government agreed to build 245 new classrooms in East Jerusalem within 4 years to alleviate problems of overcrowding.⁴⁸⁶⁴ However, no funds were budgeted for the construction in 2001. In 2002, the budget included funds for 60 new classrooms.⁴⁸⁶⁵

Under a new Labor Code that was passed in 2002, 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.⁴⁸⁶⁶ The Palestinian Authority is responsible for enforcing the area's labor laws; however, with only 40 labor inspectors for an estimated 65,000 enterprises, the Authority has limited capacity to enforce labor laws.⁴⁸⁶⁷ There is no law specifically prohibiting trafficking in persons, but no trafficking incidents have been reported.⁴⁸⁶⁸

The Palestinian Authority is working with the ILO and UNICEF to improve child labor law enforcement, and to conduct a study to determine the extent and nature of child labor in the West Bank and Gaza Strip.⁴⁸⁶⁹ In partnership with the Palestinian National Authority's Ministry of Education and Higher Education, UNICEF is conducting a campaign to help 10,000 children return to school.⁴⁸⁷⁰ Assistance includes provision of uniforms and school supplies, teacher training, a media campaign to promote education, and support for alternative education projects.⁴⁸⁷¹ UNICEF has also supported summer camps aimed at minimizing the impact of disruptions on psycho-social growth and development for 42,000 children ages 6 to 18 years.⁴⁸⁷²

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.⁴⁸⁷³ Residents of Western Sahara are subject to Moroccan labor laws that set the minimum age for employment at 15 years.⁴⁸⁷⁴ Forced labor is prohibited under Moroccan law.⁴⁸⁷⁵ Education is compulsory for 8 years.⁴⁸⁷⁶ Information regarding government policies and programs to eliminate the worst forms of child labor in Western Sahara is unavailable.

⁴⁸⁶² This report was based on a study conducted between April and June 2001 that collected 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.

⁴⁸⁶³ U.S. Department of State, *Country Reports- 2002: Israel and the Occupied Territories*, Section 5.

⁴⁸⁶⁴ Ibid.

⁴⁸⁶⁵ Ibid.

⁴⁸⁶⁶ Ibid., Sections 5 and 6d.

⁴⁸⁶⁷ Ibid., Section 6d.

⁴⁸⁶⁸ Ibid., Section 6f.

⁴⁸⁶⁹ Ibid., Section 6d.

⁴⁸⁷⁰ UNICEF, *One Million Go Back to School in Occupied Palestinian Territory*, press release, Jerusalem, September 1, 2003; available from http://www.unicef.org/media/media_13753.html.

⁴⁸⁷¹ Ibid.

⁴⁸⁷² Ibid.

⁴⁸⁷³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Western Sahara*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18292.htm>.

⁴⁸⁷⁴ Ibid. See also Lawrence Connell, electronic communication to USDOL official, January 29, 2002.

⁴⁸⁷⁵ U.S. Department of State, *Country Reports- 2002: Western Sahara*.

⁴⁸⁷⁶ UNESCO Institute for Statistics, *National Education Systems*.

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 MacDonald Islands (territory of Australia), Norfolk Island (territory of Australia), and Wallis and Futuna (territory of France).



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