Advancing the Campaign Against Child Labor

Efforts at the Country Level

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

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ACKNOWLEDGMENTS

This report was prepared under the direction of Thomas B. Moorhead, Deputy Under Secretary for International Affairs, Michael Magan and Jorge Perez-Lopez, Associate Deputy Under Secretaries for International Affairs and Maureen Jaffe and Marcia Eugenio, Co-Directors of the International Child Labor Program. Coordination of the report was by Charita Castro and Kevin Willcutts and the writing, editing, research was done together with the International Child Labor Program staff, Maya Bhullar, Chris Camillo, Meghan Cronin, Krista Desgranges, Sonia Firpi, Sharon Heller, Sherin Khan, Carla Komich, Marie E. Ledan, Eileen Muirragui, Cortney Oren, Michael Orona, Eileen Pennington, Veronica Puente-Duany, Deepa Ramesh, Vivita Rozenbergs, Ben Smith, Ami Thakkar, and Mirellise Vazquez.

Other staff of the Bureau of International Labor Affairs, the Office of the Assistant Secretary for Policy and the Office of the Solicitor who made major contributions include: Laura Buffo, Sylvio Gonzalez, James A. Greene, Sue Hahn, Alfreda Johnson, Jennifer Kaerasora, Selene Ko, Matt Levin, Viondette Lopez, E.J. Murtagh, Martha Newton, Tanya Rasa, Patricia Requeno, Carlos Romero, Nikki Sayres, Gregory K. Schoepfle, Robert Shepard, Stephanie Swirsky, Karen Travis, Diane Ward, Bob Zachariasiewicz, and Anne Zollner. Department of Labor officials also received significant assistance from labor reporting officers, labor attaches, and other officials in U.S. embassies and consulates abroad.

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

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Preface

Child labor is recognized today as a problem that affects countries around the world. The International Labor Organization (ILO) estimated that there were some 211 million children between the ages of 5 and 14 in economic activity in the world in 2000.[1]

1. *Why do children work?*

Child labor is generally the result of a combination of factors. The most frequently cited cause, however, is poverty. Children often work to provide for themselves or to help their families meet basic needs such as food and shelter. Families may suffer financial hardship because of adult unemployment, underemployment, low prevailing adult wages, or the death, illness, or injury of a parent or guardian. Child labor perpetuates poverty since children who work in lieu of going to school are generally more likely to earn a lower income in the future.[2]

An increase in the incidence of child labor may also be associated with the impact of a domestic or regional pandemic or economic shock. For example, in Africa, the rapid spread of HIV/AIDS has undermined the ability of many extended families to provide for children, leading to a rise in the number of child-headed households and of children engaged in various forms of child labor.[3] The East Asian crisis, which began as a currency crisis in 1997, created economic hardship and led to a rise in adult unemployment, leaving many households less able to provide for their children.[4] Natural disasters, such as Hurricane Mitch, which struck Central America in 1998, can also have a severe impact on households, exacerbating the child labor situation in a country or region.

Many children also work because they lack alternatives. Globally, an estimated 113 million children do not have access to primary education.[5] Some lack access because schools are not available or are located too far from their homes. Costs of schooling that have to paid by the family—such as school fees or the cost of textbooks or required uniforms—can also place education beyond the reach of children from poor families.

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[1] For an explanation of the distinction between the terms "economic activity" and "non-economic activity," see Appendix A. *Every Child Counts: New Global Estimates on Child Labour* (Geneva, Switzerland: International Labour Office, 2002), 15 [hereinafter *Every Child Counts.]*

[2] See *By the Sweat and Toil of Children: An Economic Consideration of Child Labor,* vol. 6 (Washington, D.C.: U.S. Department of Labor, 2000), 41-44 [hereinafter *By the Sweat and Toil of Children,* vol. 6].

[3] For a general discussion, see *Child Workers in the Shadow of AIDS: Listening to the Children* (Nairobi, Kenya: UNICEF Eastern and Southern Regional Office, June 2001).

[4] The East Asian Crisis began in mid-1997 as a currency crisis in Thailand, but its impact was also felt in countries such as Indonesia, the Philippines, Malaysia and the Republic of Korea. While debate continues about what kind of impact the crisis had on child labor in the region, some reports suggest that the child labor rose as a result of the crisis. See *Human Development Report of Thailand 1999* (Bangkok: United Nations Development Program, 1999), 142-43.

[5] *See* figures on *Education for All* cited in the Dakar Framework for Action adopted by delegates to the World Education Forum in Dakar, Senegal, in April 2000; *see* (www.unesco.org/education/efa/ ed_for_all/ dakfram_eng.shtml); cited October 1, 2001.

As demonstrated by the country profiles in chapter 3 of this report, cultural factors may also restrict some children's access to schooling. For example, in areas where girls are traditionally considered essential to the running of a household, parents may be reticent to send their daughters to school. Parents may also see little value in investing in a daughter's education since they expect her to leave the family once she marries. Other family circumstances may make access to school particularly difficult for children. For example, children of migrant workers face unique obstacles to schooling because their families move seasonally in search of work.[6]

Another factor contributing to child labor is the demand for children's work. Some employers may favor children for certain kinds of work—such as maneuvering through small mine spaces or harvesting plants that are low to the ground—because of their small size.[7]

2. *What kinds of work do children do?*

As the evidence presented in this report suggests, children engage in many types of work and are employed in many sectors. While child labor occurs in both urban and rural areas, evidence suggests that work participation rates for children are much higher in rural areas, where most children work in agriculture.[8]

In agriculture, children often work alongside their parents on commercial farms and plantations or in subsistence agriculture. In many cases, systems of pay, such as piece work in harvesting crops, encourage parents to rely on the labor of their children to increase family income. Children working in agriculture face many hazards. They are exposed to the elements, risk bites from snakes and insects, and in many instances, work without protective gear while wielding dangerous tools such as machetes and working in close proximity to harmful pesticides.[9]

Children are also employed in manufacturing, mining, quarrying, and services (e.g. in restaurants and hotels, and in wholesale and retail trades). In manufacturing, children are employed in making a variety of goods, including shoes, sporting goods, carpets, surgical instruments, *bidis*,[10] matchsticks, glass bangles, and fireworks. They often work long hours for little pay, and under hazardous conditions. Many children work without any sort of protective clothing or gear, in workplaces that are poorly lit, inadequately ventilated, and generally unsafe.[11]

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[6] For a discussion of the link between child labor and education, see *Good Practices in Action Against Child Labour: A Synthesis Report of Seven Country Studies, 1997-98, by Independent Researchers* (Geneva: International Labor Organization, 2001), 69-70.

[7] Christiaan Grootaert and Ravi Kanbur, "Child Labour: An Economic Perspective," *International Labour Review* 134 (2) (1995): 195-96.

[8] Survey evidence suggests that, on average, children in rural areas are twice as likely to participate in economic activities than children in urban areas. See *Statistics on Working Children* at Section II. For full text, *see* (www.ilo.org/public/english/standards/ipec/simpoc/stats/child/stats.htm); cited October 24, 2001.

[9] See *Statistics on Working Children* and Valentina Forastieri, *Children at Work: Health and Safety Risks* (Geneva: International Labor Organization (ILO), 1997), 10.

[10] The term *bidi* refers to small, hand-rolled cigarettes made primarily in South Asia.

Most children work in the unregulated "informal sector," which is generally beyond the reach of the protection afforded by national laws on child labor.

Children work in mine shafts deep beneath the earth. They also break stones in quarries, fish off deep-sea platforms, and scavenge in garbage dumps. In the service sector, children are exploited as street vendors, porters, prostitutes, and domestic servants. Still, other children are exploited and abused at the hands of criminals who use them to smuggle illicit goods, or they are trafficked to be used for various forms of exploitative labor.[12]

Child labor does not affect all children uniformly. While boys are more likely to be employed in wage-earning jobs, girls work more often in the family home or as domestic servants in the homes of others, often without pay. The nature of such work often results in girls being undercounted in child labor statistics.[13] Certain children may also face greater risks than others. Working children under the age of 12 years and working girls as being among the most vulnerable.[14]

3. *How has the international community taken action to address child labor?*

In 1992, the International Labor Organization launched the International Program on the Elimination of Child Labor (ILO-IPEC) with the aim of working towards the progressive elimination of child labor through strengthening countries' capacity to address the problem and supporting a movement to address child labor worldwide.[15] Since its inception, membership in ILO-IPEC has grown from 6 to 51 countries,[16] and donor participation has grown from one country in 1991 to 25 countries in 2000.[17] The United States has contributed funds to support ILO-IPEC since 1995. As of fiscal year (FY) 2001, the United States had contributed more than US$112 million to ILO-IPEC, making it the program's largest donor.

In addition to USDOL-funded child labor programs conducted by ILO-IPEC, the United States has also funded child labor programs through the United States Agency for International Development (USAID). These programs include activities intended to remove children from abusive child labor and to develop educational alternatives for these children and others at risk of abusive child labor.

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[11] See *Statistics on Working Children.*

[12] See *Statistics on Working Children;* see also *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998), 22-35, for a detailed discussion of the types of work children do and the hazards they face in various sectors [hereinafter *By the Sweat and Toil of Children*, vol. 5].

[13] See *Statistics on Working Children; see also* "Statistics: Revealing a Hidden Tragedy" (SIMPOC) (www.ilo.org/public/english/standards/ipec/simpoc/stats/4stt.htm).

[14] "IPEC at a Glance" (www.ilo.org/public/english/standards/ipec/about/implementation/ipec.htm) [hereinafter "IPEC at a Glance."]

[15] Ibid.

[16] For a complete list of IPEC member countries, *see* (www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

[17] For a full list of IPEC donor countries, *see* (www.ilo.org/public/english/standards/ipec/about/donors/t_donor.htm).

The global campaign to address child labor has also involved the adoption of new international instruments that seek to address the most serious forms of child exploitation. In June 1998 at the 86th International Labor Conference, delegates adopted the ILO Declaration on Fundamental Principles and Rights at Work.[18] Among other things, the declaration calls for the elimination of all forms of forced or compulsory labor and the effective abolition of child labor.[19]

One year later, in June 1999, delegates to the ILO's 87th International Labor Conference unanimously adopted ILO Convention No. 182 on the Worst Forms of Child Labor. Convention No. 182 built upon an earlier ILO convention, ILO Convention No. 138 on Minimum Age for Employment. Article 3 of Convention No. 182 identifies as among the worst forms of child labor all forms of slavery and practices similar to slavery; the use of children in activities such as prostitution, pornography, drug production and drug trafficking; and the employment of children in work likely to harm their health, safety or moral well-being.[20] The convention calls on ratifying countries to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency. Article 7 of the convention further calls upon ratifying countries to take time-bound steps to ensure that children removed from the worst forms of child labor have access to basic education, and where appropriate, vocational training. Convention No. 182, which formally came into force on November 19, 2000, has become the most rapidly ratified convention in the ILO's history. One hundred and fifteen countries had already ratified this convention by February 2002.[21]

On May 25, 2000, the United Nations General Assembly adopted two new optional protocols to the United Nations Convention on the Rights of the Child (UNCRC).[22] The Optional Protocol on the Involvement of Children in Armed Conflict calls for countries party to the protocol to "take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities" and "ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces."[23] The UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography calls on countries that are party to the protocol to prohibit the sale of children and their commercial sexual exploitation through prostitution or pornography.[24]

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[18] For the full text of the declaration, *see* (www.ilo.org/public/english/standards/decl/declaration/ text/index.htm); cited October 24, 2001 [hereinafter Declaration].

[19] Declaration at Section 2.

[20] International Labor Organization (ILO) Recommendation No. 190, which accompanies Convention No. 182 on the Worst Forms of Child Labor, provides further detail defining the worst forms of child labor.

[21] In December 1999, the United States became one of the first countries to ratify the convention. *See* (http:// webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN); cited October 25, 2001.

[22] Article 32 of this convention establishes the right of a child to be protected from economic exploitation and from performing any work that is likely to be hazardous, interfere with his or her education, or is harmful to his or her health or physical, mental, spiritual, moral, or social development. *See* Appendix F for the full text of the Convention on the Rights of the Child.

[23] For the full text of the protocol, *see* (http://www.unhchr.ch/html/menu2/6/protocolchild.htm); cited September 18, 2001.

[24] Where sale is defined as "any act or transaction whereby a child is transferred by any person or group for remuneration or any other consideration," child prostitution as "the use of a child in sexual activities for remuneration or any other consideration," and child pornography as "any representation, by whatever means, of a

In 2000, the United Nations General Assembly also adopted the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The protocol aims to prevent and combat trafficking in persons, especially women and children, and calls for protection and assistance for trafficking victims, and cooperation among ratifying states.[25] The protocol calls for countries party to the protocol, in applying its provisions, to take into account the "age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care."[26] In addition, it calls for countries party to the protocol to "take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity."[27]

In October 2000, the United States enacted national legislation, the Victims of Trafficking and Violence Protection Act of 2000 (H.R. 3244) to address the trafficking of persons for exploitative labor. This new legislation aims to provide assistance and protection to trafficking victims, with a special emphasis on women and children, both in the United States and abroad. The act also calls for actions aimed at prevention, including programs intended to keep children, especially girls, in elementary and secondary schools, and the development of educational curricula regarding the dangers of trafficking.[28]

Initiatives that promote universal access to primary education for children have complemented the campaign to eliminate child labor. In April 2000, participants at the World Education Forum in Dakar reaffirmed the 1990 World Declaration Education for All initiative. Article 7 of the Dakar Framework for Action calls for:

> …ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality....[29]

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child in real or simulated explicit sexual activities or any representation of the sexual parts of a children for primarily sexual purposes"; *see* (www.unhchr.ch/html/ menu2/dopchild.htm); cited September 18, 2001.

[25] According to the protocol, the "recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation" shall be considered trafficking even if the circumstances did not involve "threat or use of force or other forms of coercion, of abduction, of fraud, of deception." *See* Section I, Article 3, points c and d of the protocol. For the full text of the protocol, *see* (www.uncjin.org/Documents/Conventions/dcatoc/ final_documents_2/convention_%20traff_eng.pdf); cited September 19, 2001.

[26] Ibid. at Section II, Article 6, point 4, of the protocol.

[27] Ibid. at Section III, Article 9, point 4, of the protocol. For the full text of the protocol, *see* (www.uncjin.org/ Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf); cited September 19, 2001.

[28] See H.R. 3244, "Trafficking Victims Protection Act of 2000," 106th Congress.

[29] For the full text of the Dakar Framework for Action adopted by the World Education Forum in Dakar, Senegal, in April 2000, *see* (www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml).

The vision expressed in the Dakar framework focused on education as a fundamental human right of all children. The framework calls education "the key to sustainable development and peace and stability within and among countries."[30]

In addition to its support for efforts to combat child labor through ILO-IPEC, the U.S. Department of Labor provided grants in FY2001 and FY2002 to promote and enhance children's access to quality education. This effort aimed to raise awareness about the importance of education for all children and mobilize a wide array of actors to improve and expand existing educational infrastructures. It also sought to strengthen formal and transitional education systems that encourage working children and those at risk of working to attend school, while working to enhance national capacity to ensure the long-term sustainability of these efforts.

[30] Ibid.

CHAPTER I: INTRODUCTION

A. Congressional Mandate and Legislative Requirements

This publication is the seventh congressionally mandated report on international child labor prepared by the Department of Labor's Bureau of International Labor Affairs (ILAB). As requested by the Senate Committee on Appropriations, the report identifies countries in which abusive and exploitative child labor is prevalent and describes "policies and initiatives by relevant foreign governments to reduce the exploitation of children."[31] The report also includes requested information on adult unemployment rates, military spending, and social spending, including expenditures on health care and education.[32]

B. Scope of Report

The Senate Committee requested that ILAB work from its 1998 report, *By the Sweat & Toil of Children: Efforts to Eliminate Child Labor*, and make efforts to include countries not analyzed in previous reports. With this goal in mind, this report builds upon the 16 countries profiled in ILAB's 1998 report, and includes information on additional countries as requested in the Congressional language. Additional countries were selected based on ILAB's ongoing research and data collection on the incidence of child labor and efforts to address the problem. In addition, the second chapter of this report provides a more global perspective on the problem of child labor, with examples of some of the hazardous forms of work that involve children as well targeted efforts to address some of these forms drawn from over 50 countries.

In the third chapter of the report, a more detailed assessment is made of the child labor situation in 33 countries where more information is available on both the problem and strategies being employed to address it. The countries included in this section of the report are Bangladesh, Benin, Bolivia, Brazil, Cambodia, Costa Rica, Dominican Republic, Egypt, El Salvador, Ethiopia, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Kenya, Lesotho, Mali, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Romania, South Africa, Tanzania, Thailand, Togo, Uganda, and Zambia.

In reviewing the evidence presented in the 33 country profiles in chapter 3, it is important to note that these countries do *not* reflect a listing of those with the most extensive child labor problems. Rather, the chapter examines a range of countries at different levels of economic development and at various stages in their efforts to address the complex problem of child labor.

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[31] This report has been prepared in accordance with the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill of 2000, Senate Report No. 106-166, 106th Congress, September 29, 1999. The full text of S.R. 106-166 can be found at: ftp://ftp.loc.gov/pub/thomas/cp106/sr166.txt

[32] Data in this report come from published sources. Because published adult unemployment rates by country were unavailable, total unemployment rates are presented instead. See Appendix B for a list of detailed tables.

Many of the countries profiled in this chapter are notable for the level of efforts being undertaken to address child labor and promote educational opportunities for children. The following section presents in more detail the structure according to which the 33 country profiles are organized.

C. Country Profile Format

The 33 country profiles included in this report provide information under the following structure:

1. The Incidence and Nature of Child Labor

The first section reviews estimates of the incidence of child labor in each of the 33 countries and provides examples of the types of sectors and activities in which children are reported to work. Evidence on where children work is drawn from a variety of sources. The types of child labor cited are intended to reflect the scope of the child labor situation in each country.

Statistics on the labor force activity of children are often reported as a single estimate, and are not disaggregated for work that is exploitative or harmful to children, "child labor." It is important to note that statistics presented in these profiles do not necessarily reflect that the work performed by children is considered child labor. Work that is considered "child labor" 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. Some work performed by children, however, is not considered to be harmful or exploitative. This could include performing light work after school, household chores, or legitimate apprenticeship programs.

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 makes it difficult to obtain comparable and reliable statistics across countries on working children. Therefore, statistics measuring the incidence of working children in the individual country profiles vary by age ranges and the definition used to measure child labor.

This report includes two types of sources of data on working children. First, all the country profiles include the most recent (1998 or 1999) available estimates on children's labor force activity rates from the ILO's database on *Estimates and Projections of the Economically Active Population, 1950-2010* or ILO's *Yearbook of Labor Statistics* for children between the ages of 10 and 14 years.[33] Second, where available, statistics are also presented from national surveys designed specifically to measure the extent and nature of working children. Even though

[33] World Bank (2000), World Development Indicators 2000, The World Bank: Washington, D.C., p.49. *See Also International Labor Organization (1999*), *Yearbook of Labour Statistics* (Geneva: ILO, 1999), *International Labor Organization (2000*), *Yearbook of Labour Statistics* (Geneva: ILO, 2000), and Table 1 in Appendix B.

some statistics from such surveys may date prior to 1998 or 1999, they are still of value since they represent a broader population of working children by age range and definition compared to statistics collected from the ILO's database, which is based on traditional labor force or government surveys. Estimates on the number of working children from the ILO's *Estimates and Projections of the Economically Active Population, 1950-2010* are generally founded on the definition of the "economically active population," which typically excludes children below the age of 10 years, and does not include children working in informal work settings, non-economic activities, or "hidden" forms of work such as domestic service or child prostitution, or children in armed conflict. While child labor surveys may not capture all of the worst forms of child labor, the definition of working children is extended to include children 5 years of age and older, and children working in the informal work sector such as agriculture and household work.[34]

2. Children's Participation in School

The second section provides a brief assessment of the level of children's involvement in schooling. Where available, 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. Again, where gender, ethnicity, or the rural/urban dynamic are particularly significant, information pertaining to these issues is presented. Likewise, where specific obstacles exist to children's participation in schooling, such factors are reviewed.

In cases where primary school attendance rates are unavailable, enrollment rates should only be considered as a relative indicator of child labor. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school. Countries with a higher incidence of child labor tend to have lower school enrollment rates, and countries with a lover incidence of child labor tend to have higher school enrollment rates.[35] However, school enrollment rates sometimes do not capture this relationship in absolute terms because (1) children may be "enrolled" in school, but do not actually "attend" school, or (2) children who are enrolled in school, may combine school and work. Therefore, it is possible in some instances for countries to report a high incidence of child labor, and a relatively high rate of enrollment. In general, attendance rates should appear lower than enrollment rates.

3. Child Labor Law and Enforcement

The third section reviews major laws and policies related to child labor and evidence regarding implementation. Laws and policies covered in this section include those that establish a minimum age for work and those that set related standards for light work, apprenticeships, permitted hours of work for children of different ages, and requirements of parental approval.

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[34] For a more detailed discussion on child labor measurement see Appendix A.

[35] Bureau of International Labor Affairs, By the Sweat and Toil of Children (Volume VI): An Economic Consideration of Child Labor (2000), 5.

Special attention is given to laws and policies that prohibit children's involvement in certain hazardous forms of work.

In addition, where available, information on penalties for violations of child labor laws and policies are described, as is information pertaining to enforcement and prosecution. The institutional mechanisms set up to promote adherence and enforcement of child labor laws are also reviewed. Finally, the section notes whether a country has ratified ILO Conventions No. 138 on Minimum Work Age and No. 182 on the Worst Forms of Child Labor, the ILO's two principal conventions on child labor.

4. Addressing Child Labor and Promoting Schooling

The fourth section of the country profiles considers countries' measures to address child labor. While child labor laws represent an important step toward addressing exploitative child labor, these regulations apply and tend to be enforced primarily if not solely in the formal sector. In many countries, however, most children engage in child labor in unregulated sectors of the economy. In such instances, laws may not be sufficient to address the immediate needs of children facing abuse and exploitation. With this in mind, this section considers other steps to address child labor.

This part of the country profiles is divided into two subsections. The first subsection considers efforts undertaken at the national level to address the incidence of child labor, in some cases by attacking its root causes. In a number of countries, governments have developed national plans of action that include a combination of strategies. Such programs generally seek to raise awareness about child labor, develop capacity to address the problem, and seek to withdraw children from exploitative work and offer them valuable alternatives. National programs often seek to enhance the effectiveness of existing institutional mechanisms or develop new mechanisms where needed. In some instances, the prevalence or severity of child labor in a particular region or sector may require more immediate action. Targeted efforts to reduce child labor generally go beyond withdrawing children from exploitative work by ensuring that they have valuable educational alternatives and that their families have access to income generating opportunities that help reduce their dependence on the labor of their children.

The second subsection provides an overview of efforts aimed at enhancing children's participation in school as well as the benefits they derive from education. Laws and policies that set educational requirements in each country are presented, along with examples of major initiatives and other efforts aimed at promoting quality schooling for children are considered.

It is important to note that the projects described in this section do not represent an exhaustive list of efforts under way, but rather, examples of the kinds of actions being undertaken in each country to address exploitative child labor and promote schooling for children.

For instance, USAID has funded child labor programs in 14 of the countries profiled here.[36] They include basic education initiatives targeting child workers and at-risk children, programs addressing child trafficking, services to former child soldiers, the removal of indentured children from agricultural employment, the mobilization of grass-roots organizations and labor unions, and advocacy at the national and international levels.

5. Selected Data on Government Expenditures

The fifth and final section of each country profile contains information on selected government expenditures expressed as a percentage of gross national product (GNP) in the form of a bar chart. This chart shows education spending as well as government expenditures on the military, health care, and debt servicing. Where available, data are also presented on government education expenditure specifically dedicated to primary education.

The chart and the related tables on government spending and unemployment provided in Appendix B (Tables 14 through 21) respond to the congressional request to the extent possible from published information to "include an analysis of the countries' adult unemployment rate, military spending and social spending to include expenditures on health care and education." In preparing this report, the Department of Labor initially sought to present information on the percentage of total government expenditure devoted to education, military, public health, and debt servicing. Such information, however, was not available for each of the 33 countries covered in this report, and for this reason information is presented instead on government expenditures as a percentage of GNP.[37]

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[36] These countries include Bangladesh, Brazil, Cambodia, Egypt, Ethiopia, India, Indonesia, Kenya, Nepal, Nigeria, Pakistan, Philippines, Romania, Tanzania, and Uganda.

[37] Public expenditure on education offers one indicator of the level of government commitment to reduce child labor. Evidence suggests that countries are generally placing a higher priority on funding for primary education than they did in 1990; *see* UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment* (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment*]. According to UNESCO, in every region except Central Asia and Central and Western Africa, the percentage of public expenditure devoted to primary education has, on average, risen in relation to gross national product (GNP). The median average for all regions rose from a range of 0.8 percent to 2.2 percent in 1990, to a range of 1.3 percent to 2.3 percent in 1998. Average spending on education as a percentage of GNP, however, amounted to less than 1.7 percent of GNP in 1998; *see Education for All: Year 2000 Assessment* at 12-13. An ILO study estimated that at least 10 percent of a country's per capita GNP should be spent on primary education in order to adequately educate one primary school student for 1 year; *see* James Hough, *Costs and Benefits of Establishing Universal Primary Schooling as a Means toward the Elimination of Child Labour*, ILO Working Paper (Geneva: International Labor Organization, 1997), 22.

D. Sources of Information

1. Reports and Materials

In preparing this report, the U.S. Department of Labor relied on a wide variety of reports and materials collected by ILAB's International Child Labor Program. As requested by the Congress, ILAB drew upon the information on international child labor presented in the first six volumes in the *By the Sweat and Toil of Children* series. The Department also has utilized information received from U.S. embassies and consulates abroad, and information from other U.S. Government sources referenced, as well as materials from a number of international organizations (including ILO-IPEC, the United Nations Children's Fund (UNICEF), and the World Bank), nongovernmental organizations (NGOs), trade unions, and employers groups.

2. Period of Public Submission

In preparing this report, the U.S. Department of Labor issued a public request for information that was published in the *Federal Register*. The *Federal Register* notice requested interested parties to submit written information to the Department of Labor on the incidence and nature of child labor as well as efforts to address child labor and promote schooling opportunities for children.[38] Information was received from different groups including responses from foreign governments and communications from nongovernmental organizations that work on issues related to child advocacy, human rights, and labor relations. This information was included, as appropriate, in the writing of this report.

3. Field Visits

Representatives of the U.S. Department of Labor traveled to all 33 of the countries profiled in chapter 3 of this report, as well as a number of the countries covered in chapter 2, during the period from June to November 2000 to gather information on the extent and nature of child labor and ongoing efforts to eradicate the problem. In preparing for field visits, U.S. Department of Labor officials conferred with U.S. Department of State country and regional desk officers, and officials of the Department of State's Office of Democracy, Human Rights and Labor. USAID was also consulted on the country, regional and global child labor programs that it has funded. During the course of country visits, officials of the Department of Labor were assisted by labor reporting officers, labor attachés, and other officials in U.S. embassies and consulates abroad.

U.S. Department of Labor officials conducted interviews in each country with as many individuals and organizations concerned with children's issues as possible. Among those

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[38] "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," Bureau of International Labor Affairs, U.S. Department of Labor, *Federal Register* 65, no. 156 (August 11, 2000), 49, 465-67.

contacted were representatives of government, employer and worker organizations, civil society, human rights groups, academic institutions, the media, international organizations, nongovernmental organizations, as well as children and their families. Whenever possible, U.S. Department of Labor officials conducted site visits of factories, workshops, farms, and other places of work.

E. Definitions and Concepts

1. Child Labor

It is important to note that not all work performed by children is considered detrimental or exploitative. The term "child labor" generally refers to work performed by persons under the age of 15, in agreement with the standard set forth in ILO Convention No. 138 on Minimum Age for Employment.[39] Child labor does not usually refer to performing light work after school or legitimate apprenticeship programs. Rather, the child labor of concern is work that prevents children from attending and participating effectively in school or that is performed by children under hazardous conditions that places at risk their healthy physical, intellectual and moral development.

In the case of activities considered among the "worst forms of child labor" (see further discussion below), the term "child labor" may also include activities by persons up to the age of 18, in agreement with the standard set forth in ILO Convention No. 182 on the Worst Forms of Child Labor.[40]

2. The Worst Forms of Child Labor

The term "worst forms of child labor," as used in this report, is intended to coincide with the definition presented in ILO Convention No. 182 on the Worst Forms of Child Labor and related ILO Recommendation No. 190. Convention No. 182 defines the worst forms of child labor as comprising 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 relevant international treaties; or any work

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[39] ILO Convention No. 138 on Minimum Age for Employment permits countries whose economy and educational facilities are insufficiently developed to initially specify a minimum working age of 14 (rather than 15), and reduce from 13 to 12 years the minimum age for light work. ILO Convention No. 138 defines "light work" as work that is not likely to harm a child's health or development, or prejudice his or her attendance at school. The convention prohibits all children under the age of 18 from undertaking hazardous work—that is, work that is likely to jeopardize their health, safety, or morals. For the full text of ILO Convention No. 138 on Minimum Age for Employment, *see* Appendix C.

[40] For the full text of ILO Convention No. 182 on the Worst Forms of Child Labor, *see* Appendix D.

which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.[41]

Recommendation No. 190 defines the worst forms of child labor as "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 recommendation notes that such forms would include work that exposes children to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights, or in confined spaces; work with dangerous machinery, equipment or tools, or work under circumstances which involve the manual handling or transport of heavy loads; work in an unhealthy environment that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as for long hours, during the night or under conditions where children are unreasonably confined to the premises of the employer. The phrase, however, is generally not meant to apply to situations in which children work for their parents on bona fide family farms or holdings.[42]

3. Economically Active Children

The primary vehicles for gathering information on working children are through national census, household surveys, work establishment surveys, or general labor force surveys. Data collected on child labor from census surveys and household surveys are generally based on a definition of the "economically active population." The standard definition of "economically active" includes work performed for a non-family-owned enterprise, whether or not pay is involved. It also includes work performed within the home for one's own family if the work done contributes in some way to overall household income.

4. Formal and Informal Sector

The line between the formal and informal sectors of a country's economy is difficult to define. In general, the formal sector is regulated by the government and subject to laws and regulations. By contrast, the informal sector is generally described as the part of a country's economy that is largely unregulated.[43] The informal sector is often comprised of small enterprises or self-employed individuals in economically marginal activities, generally involving little capital and frequently clandestine or unregistered activities. Employers in the informal sector are generally not held accountable for meeting labor or occupational safety standards. Many children work in the informal sector, in part because laws restricting child labor are generally not enforced. Since adherence to regulations is less likely in the informal sector, there may also be an increased risk that children working in this sector will be exploited or injured on the job.

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[41] Ibid.

[42] For full text of ILO Recommendation No. 190, *see* (http://ilolex.ilo.ch:1567/scripts/convde.pl?R190).

[43] International Labor Organization [On-line, site visited on 3/30/01]. Informal Sector: Who are they? On-line: http://www.ilo.org/public/english/employment/skills/informal/who.htm

5. Primary Gross and Net School Attendance

The "gross" school attendance rate represents the number of children (regardless of age) in a given country that are in attendance in a specific school level, such as primary or secondary, divided by the total number of children in the country that are of the official age for that level of schooling. As such, gross attendance rates *can* exceed 100 percent. This generally suggests either that children are not starting school at the official age or that children are repeating years of schooling.

The "net" school attendance rate is the number of children of the official age for a schooling level who are in attendance in that level divided by the total number of children in the country that are of the official age for that level of schooling. Unlike gross attendance, net attendance rates *cannot* exceed 100 percent.

6. Primary Gross and Net School Enrollment

Similar to the discussion on primary gross and net school attendance rates; primary gross and net school enrollment rates follow the same definitional concepts described above. The primary "gross" enrollment rate is the rate of total enrollment, regardless of age, to the population of the age group that officially corresponds to the level of primary education, which *can* exceed 100 percent.

The primary "net" enrollment rate is the rate of the number of children of official school age, as determined by each country, who are enrolled in school to the population of the corresponding official school age, and *cannot* exceed 100 percent.[44]

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[44] *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000).

CHAPTER II: A GLOBAL PERSPECTIVE

This chapter considers evidence from a number of countries where children are reported to work under particularly hazardous conditions. Examples are intended to demonstrate the scope of the global child labor problem, with emphasis placed on the worst forms of child labor as identified under International Labor Organization (ILO) Convention No. 182. These forms include: forced labor by children; trafficking of children for exploitative labor; forcible recruitment of children for use in armed conflicts; exploitation of children in the commercial sex industry; the use of children for illicit activities such as the trafficking of drugs; and the involvement of children in other hazardous labor that places at risk the health, safety, and morals of children.

Under ILO Convention No. 182, ratifying countries are called upon to address such forms of child labor as a matter of urgency. This chapter notes the commitment that many governments are making to eliminate child labor, particularly its worst forms. However, while the global campaign to end child labor has gained considerable momentum over the past decade, some governments still lack the kinds of policies and initiatives needed to protect children from being exploited in the workplace and from suffering the worst forms of child labor.

A. The Worst Forms of Child Labor

1. Forced Labor

Children work in many countries under forced labor conditions. In some cases, children work to pay off the debts of their parents. In other cases, bonded labor may involve an entire family and be passed on from one generation to the next. Children involved in forced labor lack basic freedoms, frequently work for long hours for little or no compensation, and are generally deprived of the opportunity to attend school.

- In **Burma**, forced or compulsory labor has been widely imposed on children below the age of 18, some as young as 10 years of age. According to ILO reports, women and children in Burma have been forced to build military camps, roads, and railways, and to serve as sentries, porters, messengers, and even human shields and minesweepers—sweeping roads with tree branches or brooms to detect or detonate mines.[45]

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[45] In November 2001, the governing body of the International Labor Organization (ILO) reported the continued incidence of bonded labor by children in Burma. *See* "Developments Concerning the Question of the Observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," Report of the High-Level Team (HLT) (Geneva: International Labor Office (ILO), November 2001); see also *Forced Labour in Myanmar (Burma)*, report of the Commission of Inquiry appointed under Article 26 of the Constitution of the International Labor Organization to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No. 29) (Geneva: ILO, July 2, 1998); *Report on Labor Practices in Burma* (Washington, D.C.: U.S. Department of Labor, September 1998), Chapter 4; and *2000 Report on Labor Practices in Burma* (Washington, D.C.: U.S. Department of Labor, February 2000), 55-60.

- In **Cambodia**, children are known to work as commercial sex workers under conditions of debt bondage to pay off loans taken out by their parents.[46] Children are also trafficked from **Cambodia**, mainly to **Thailand**, to work as bonded laborers in the commercial sex industry.[47]

- Children are reported to work under bonded conditions on cocoa farms in **Cote d'Ivoire**, in many cases having been trafficked from neighboring countries.[48] According to a 1998 report by a National Commission to investigate the trafficking of **Malian** children to other countries, 1,500 children between the ages of 7 to 10 years were living in work encampments in Côte d'Ivoire.[49]

- In **India**, there are reports of bonded child labor in several sectors, including the carpet manufacturing industry,[50] agriculture (particularly on small-scale, rural farms),[51] and in the construction industry.[52]

- In **Mauritania**, despite slavery having been abolished in 1980, allegations persist that thousands of persons, including children, work in the country under slave-like conditions.[53]

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[46] Government of Cambodia, Ministry of Planning, *Cambodia Human Development Report 2000: Children and Employment* (Phnom Penh, 2000), 37.

[47] Ibid. at 38; see also *Victims of Trafficking and Violence Protection Act 2000: Trafficking in Persons Report* (Washington, D.C.: U.S. Department of State, July 2001) [hereinafter *Trafficking in Persons Report*], 35.

[48] Sudarsan Raghavan and Sumana Chatterjee, "A Taste of Slavery," Knight Ridder, June 24, 2001. For the full text of this series of articles, *see* http://web.krwashington.com/content/krwashington/2001/06/24/washington/Slavery-MainIndex.htm. In response to these reports, the Chocolate Manufacturers Association and the World Cocoa Foundation signed a protocol in October 2001 by which they committed themselves to work with the ILO, U.S. Agency for International Development (USAID), and other major stakeholders on "a joint action program of research, information exchange, and action to enforce internationally recognized and mutually-agreed upon standards to eliminate the worst forms of child labor in the growing and processing of cocoa beans and their derivative products." *See* "Protocol for the Growing and Processing of Cocoa Beans and Their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor," Chocolate Manufacturers Association, Vienna, Virginia, October 1, 2001.

[49] Sory Ibrahim Guindo, "Rapport d'étape sur le trafic d'enfants maliens: Plus de 1,500 mineurs recensés en Côte d' Ivoire," *Liberté,* December 21, 1998.

[50] *By the Sweat and Toil of Children: The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor*, vol. 2, 85-94 [hereinafter *By the Sweat and Toil of Children,* vol. 2]; *By the Sweat and Toil of Children: Consumer Labels and Child Labor,* vol. 4, at 19-22.

[51] *By the Sweat and Toil of Children,* vol. 2, at 125-32. Bonded labor in the farm sector occurs when landless peasants and tenant farmers must turn to landlords for loans in the form of cash or food, to be repaid with labor. Instead of decreasing with the time worked, however, the loans often increase, and bondage becomes a way of life for generations.

[52] Isabel Austin, UNICEF state representative for Tamil Nadu and Kerala, interview with U.S. Department of Labor official, May 5, 1998 [hereinafter Austin interview]. A 1996 Human Rights Watch report found bonded child labor in the agricultural and silk industries as well as in the production of bidis, carpets, silver, synthetic gemstones and leather products; see *The Small Hands of Slavery: Bonded Child Labor in India* (Human Rights Watch, September 1996), available at www.hrw.org/hrw/reports/1996/India3.htm. See also *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*].

- According to one study, an estimated 33,000 children work as bonded laborers in **Nepal**, out of which 13,000 are thought to be *kamaiya* children, a system of agricultural bonded labor.[54]

- In the **Philippines**, estimates suggest that over 300,000 children under the age of 18 work as domestic servants, often under bonded labor conditions.[55]

- In June 2001, the ILO's Committee of Experts noted reports of boys—some as young as five years of age—kidnapped, sold by their parents, or trafficked under false pretenses to the **United Arab Emirates** (U.A.E.), and forced to work as jockeys in camel races.[56] Children as young as 4 and 5 years old are trafficked from **Bangladesh** to the U.A.E. to work as camel jockeys.[57] Young boys are also known to be trafficked from **India**[58] and **Pakistan**[59] to the Middle East to serve as camel jockeys.

Globally, estimates suggests that between 700,000 and one million persons, women and children in particular, are trafficked every year for exploitative labor, and in many cases, for the purpose of commercial sexual exploitation.

- According to some estimates, more than 20,000 women and children are trafficked from **Bangladesh** every year, many ending up in bonded labor, menial jobs, or in prostitution.[60]

- Girls as young as 14 years old are kidnapped and smuggled out of **Bulgaria** to destinations across Europe. Women and girls are also trafficked into Bulgaria from the former Soviet Union and Macedonia for the purposes of prostitution.[61]

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[53] Kevin Bales, *Disposable People* (Berkeley and Los Angeles: University of California Press, 1999), Chapter 3; *BBC News Online*, "World: Africa Award for Mauritanian Anti-Slavery Activist," available at http://news.bbc.co.uk/hi/english/world/africa/newsid_216000/216539.stm; Douglas Farah, "Despite Legal Ban, Slavery Persists in Mauritania," *Washington Post*, October 21, 2001 [hereinafter "Slavery Persists in Mauritania"]; "Slavery Lives on in Mauritania: Tradition Thrives Thanks to a Confluence of Cultures," National Public Radio, August 21, 2001, available at www.npr.org/programs/specials/racism/010828.mauritania.html, as cited on December 4, 2001; Kendall Wilson, "Slavery Thrives in African Nation," *Philadelphia Tribune*, June 25, 1999, 1A; "Mauritania: Paradise under the Master's Foot: An 800-Year-Old System of Black Chattel Slavery Thrives in Mauritania"; *Country Reports 2000—Mauritania*; "Slavery Persists in Mauritania."

[54] ILO-IPEC, "Child Bonded Labour: Nepal," Child Bonded Labour, September 1999.

[55] *Country Reports 2000—Philippines* at Section 6c.

[56] ILO, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, 89th Session 2001 (Geneva: ILO, 2001), 566-67. For comments in response to the *Report of the Committee of Experts on the Application of Conventions and Recommendations*, *see* Government of the United Arab Emirates (UAE) and the UAE worker and employer members, *International Labour Conference Provisional Record, Eighty-ninth Session*, No. 19, Part 2 (Geneva: ILO, 2001), 83-84.

[57] U.S. Embassy-Abu Dhabi, unclassified telegram no. 003162, May 29, 2000.

[58] *Country Reports 2000—India* at Section 6d.

[59] *Trafficking in Persons Report* at 92.

[60] *Country Reports 2000—Bangladesh* at Section 6f.

[61] Bulgaria is both a source and a transit country for human trafficking. Approximately 10,000 Bulgarian women, many under the age of 18, may be involved in international operations, but no official statistics are available. See *IOM Counter Trafficking Strategy for the Balkans and Neighboring Countries*, International Organization for Migration, January 2001, available at http://www.iom.int/PDF_Files/Balkan_strategy.pdf, as cited on September 28, 2001. See also *Country Reports 2000—Bulgaria*.

- Girls from **Cuba**, **Nigeria**, and **Albania**, some as young as 10 years old, are reportedly trafficked for the purpose of commercial sexual exploitation.[62]

- Young boys from **Pakistan** are kidnapped and trafficked to countries in the Middle East to work as camel jockeys and for purposes of sexual exploitation, bonded labor, and domestic service.[63]

- In **Somalia**, there are reports of children trafficked for the purpose of forced labor.[64]

- Girls between the ages of 12 and 18 from **Burma**, **China and Laos** are trafficked to **Thailand** to work in the commercial sex industry, some in conditions of debt bondage.[65]

2. Children of War

In many areas of conflict around the world, children are involved in armed struggles in which they are forced to serve as soldiers, scouts, messengers, and concubines. The issue of child soldiers has captured increasing international attention, as demonstrated by the U.N. General Assembly's adoption of the Optional Protocol on the Involvement of Children in Armed Conflict in May 2000. Around the world, an estimated 300,000 children under the age of 18, both boys and girls, are involved in armed conflicts in more than 30 countries. According to some estimates, nearly half of these children are in Africa.

- In **Afghanistan**, there have been reports of child soldiers participating in the struggle that has continued for over two decades in that country.[66]

- Children in **Angola** have been used as soldiers by both the Government and the rebel National Union for the Total Independence of Angola (UNITA). Nearly 7,000 children are currently conscripted, some as young as 10 years old.[67]

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[62] Graham Johnson and Nyra Mahmood, "Sell Kids for Sex: Sick Traffickers Offering Girls of 11 for 500…to Turn into Prostitutes," *Sunday Mirror* (London), January 6, 2002, 8, 9.

[63] *Trafficking in Persons Report* at 92.

[64] *Country Reports 2000—Somalia*.

[65] *Country Reports 2000—Thailand* at Section 6f.

[66] Hannah Beech Farkhar, "The Child Soldiers: War and Revenge Is All the Young Recruits of the Northern Alliance and Taliban Know," *Time* [online], November 16, 2001, available at www.time.com/time/world/article/0,8599,182805,00.html.

[67] The use of child soldiers is a significant and ongoing problem in Angola. In March 1996, the U.N.'s Department of Humanitarian Affairs surveyed 17,000 demobilized soldiers in just 4 of 15 demobilization centers and found that more than 1,500 were under 18 years of age. Sources for the Coalition to Stop the Use of Child Soldiers report that 3,000 children are active in the Angolan armed forces, and another 3,000 are active with UNITA, despite efforts to demobilize 8,500 children following the 1994 peace agreement. The U.S. Department of State reports that children as young as 10 are recruited or forcibly conscripted by UNITA. See *Country Reports 2000—Angola*. *See also* Coalition to Stop the Use of Child Soldiers, *Angola Country Report*, available at www.child-soldiers.org/embargo/donotpublish/globalreport.html#.

- In **Burundi**, children have been active in the civil war between the Tutsi-dominated security forces and the Hutu-dominated armed opposition groups.[68]

- Separatist groups in the **Comoros** have reportedly recruited boys between the ages of 13 and 16 to serve as soldiers.[69]

- Since civil war began in the **Democratic Republic of the Congo** in 1998, more than 10,000 children have served in the government army or for opposition groups.[70] The Congolese Armed Forces (FAC) have recruited children as young as 13 years old.[71] The FAC reportedly has targeted homeless children, forcing young boys into the army and sexually exploiting young girls.

- Rebel forces in the **Philippines** have recruited children under the age of 18 to serve in combat and non-combat situations.[72]

- Children have served in **Rwanda**'s civil war as soldiers and as servants for the armed forces.[73]

- In 2000, the ILO estimated that 5,400 children served as soldiers in **Sierra Leone**.[74] The RUF and other groups forced children into their ranks to serve as soldiers, sexual slaves or to dig for diamonds in mines.[75] RUF forces forcibly injected some children with drugs to prepare them for combat.[76] During 2001, armed groups released more than 3,800 child soldiers and

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[68] *Country Reports 2000—Burundi* at 703. *See also* "Child Soldiers Global Report: Burundi," available at www.child-soldiers.org/report2001/countries/burundi.html.

[69] *Summary Record of the 666th Meeting: Comoros*, U.N. Document No. CDC/C/SR.666 (Geneva: United Nations Committee on the Rights of the Child, October 4, 2000), para. 41. *See also* Coalition to Stop the Use of Child Soldiers, *Africa Report: Comoros* (London: Coalition to Stop the Use of Child Soldiers, March 1999).

[70] Christian Aid, Oxfam GB, and Save the Children U.K., "No End in Sight: The Human Tragedy of the Conflict in the Democratic Republic of the Congo: August 2001," June 8, 2001, available at www.oxfam.org.uk/policy/papers/drc2.htm, as cited on October 26, 2001.

[71] *Country Reports 2000—Democratic Republic of the Congo*. The U.N. Committee on Rights of the Child notes that "in some cases, the age of a child was falsified and children as young as 13 were recruited as soldiers." *See* United Nations, Committee on Rights of the Child, *Committee on Rights of the Child Starts Consideration of Report of Democratic Republic of the Congo*, 27th session, May 28, 2001, available at www.unhchr.ch/huricane/huricane.nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument.

[72] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), Section 3.

[73] UNICEF, press release (http://unicef.org/newsline/01pr69.htm). *See also* Worst Forms of Child Labour Data: Rwanda (www.globalmarch.org/worstformsreport/world/rwanda.html).

[74] *Sierra Leone: The Terrible Price of Poverty and Unemployment*, International Labor Organization, World of Work, No. 33, February 2000 (www.ilo.org/public/english/bureau/inf/magazine/33/sleone.htm). October 17, 2001. Human rights groups estimate that 4,500-10,000 children under 16 years of age were forcibly abducted into military service during the war. Douglas Farah, "Children Forced to Kill," *Washington Post*, April 10, 2000.

[75] Child Soldiers Global Report, Republic of Sierra Leone, Country Reports on Human Rights Practices for 2000 (Washington, D.C.: U.S. Department of State, 2000); Douglas Farah, "Rebels in Sierra Leone Mine Diamonds in Defiance of U.N. Captured Children and Conscripts Used as Laborers," *Washington Post*, August 19, 2001, A01.

[76] "Brutal Child Army Grows Up," *BBC News Online*, *see* (http://news.bbc.co.uk/hi/english/world/africa/ newsid_743000/743684.stm). Around the world, an estimated 300,000 children under the age of 18, both boys and girls,

camp followers. According to UNICEF, as of October 2001, approximately 1,500 children reported as missing during the war had yet to be located.[77]

- In **Somalia**, children under 15 years of age have been recruited by the militias, with boys as young as 10 years old serving as bodyguards for faction leaders.[78]

- In **Sri Lanka**, there are reports of boys and girls as young as 9 and 13 forcibly recruited as child soldiers with the Liberation Tigers of Tamil Eelam (LTTE).[79]

- Children in **Sudan**, some as young as 10 years old, have served as soldiers, porters, and concubines in the country's seventeen year civil war.[80]

- In **Uganda**, there are reports of children recruited to serve as soldiers by the Ugandan military,[81] and approximately 14,000 children have been abducted by rebel groups,[82] trafficked into southern Sudan, and forced into armed conflict in Sudan, the Democratic Republic of Congo, and Uganda. These children are used as human shields, hostages, and sometimes are coerced into sexual activity.[83]

3. Commercial Sexual Exploitation

Children involved in commercial sexual exploitation face abuse and degradation. They risk early pregnancies, sexually transmitted diseases, and exposure to HIV-AIDS. Prostitution of children is often prevalent in urban centers, in tourist areas, and along major transportation routes.

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are involved in armed conflicts in more than 30 countries, nearly half of which are believed to be with militaries or armed opposition groups in Africa. For information on global figures on the incidence of child soldiers, *see* "Child Soldiers Global Report 2001," The Coalition to Stop the Use of Child Soldiers (www.child-soldiers.org/). *See also*: Douglas Farah, "Children Forced to Kill," *Washington Post*, April 10, 2000.

[77] UNICEF Press Release, UNICEF Encouraged By the Releasee Today of 150 Child Soldiers in Sieraa Leone, Freetown/New York, 4th June 2001. (www.unicef.org/newsline/01prjune4cs/htm) October 17, 2001 (3:47PM).

[78] *Situation of Human Rights in Somalia: Report of the Special Rapporteur, Ms. Mona Rishmawi, Submitted in Accordance with Commission of Human Rights Resolution 1999/75*, U.N. Document No. E/CN.4/2000/110 (Geneva: United Nations Economic and Social Council, January 2000) 17. *See also* Country Reports on Human Rights Practices for 2000 (Washington, DC: U.S. Department of State, 2001).

[79] Global Report on Child Soldiers—Sri Lanka (www.child-soldiers.org/report2001/countries/sri_lanka.html). *See Also* Sri Lanka: Recent Reports on Child Labor Problems Which Violate ILO Convention 182 on the Worst Forms of Child Labor. [E-mail Correspondence (need date), Sonia Rosen, Solidarity Center]. U.S. Embassy-Colombo, unclassified telegram no. 001719, September 26, 2001.

[80] "Child Soldiers Global Report: Sudan" (www.child-soldiers.org/report2001/countries/sudan.html).

[81] Child Soldier Global Report 2001-Uganda, Coalition to Stop the Use of Child Soldiers (http://www.child-soldier.org/report2001/countries/uganda/html).

[82] The rebels are associated with the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF). *See* Tom Barton, Alfred Mutiti and the Assessment Team for Psycho-social Programmes in Northern Uganda, *Northern Uganda Psycho-Social Needs Assessment* (Kisubi, Uganda: Marianum Press, 1998) vii-viii.

[83] Tom Barton, Alfred Mutiti and the Assessment Team for Psycho-social Programmes in Northern Uganda, *Northern Uganda Psycho-Social Needs Assessment* (Kisubi, Uganda: Marianum Press, 1998) vii-viii. *See also* "Victims of Trafficking and Violence Protection Act 2000: Trafficking in Persons Report (Washington, D.C.: U.S. Department of Labor, 2001).

In some cases, children migrate to such areas in search of work, while in other instances, children are trafficked and sold into the commercial sex sector.

- In **Brazil**, the sex tourism industry is reported to actively recruit children and traffic them to other countries.[84]

- ILO-IPEC estimates that approximately one-third of **Cambodia**'s 55,000 prostitutes are children.[85] A 1997 report by the Government of Cambodia found that of approximately 15,000 prostitutes working in brothels nationwide, 15.5 percent were children below the age of 18.[86]

- According to the National Institute for Children (PANI), as many as 3,000 children in **Costa Rica** are involved in prostitution in metropolitan San Jose.[87]

- An estimated 25,000 to 30,000 children in the **Dominican Republic** are involved in prostitution.[88]

- Children, especially girls, are known to be involved in prostitution in **El Salvador**,[89] where, according to a 1998 study, children between the ages of 13 and 18 account for nearly 45 percent of the estimated 1,300 prostitutes in three major San Salvador red-light districts.[90]

- In **India**, it is estimated that 15 percent of the country's 2.3 million prostitutes are children (345,000).[91] A recent study by the ILO estimates that there may be between 150,000 to 200,000 **Nepalese** girls working as prostitutes in Indian brothels.[92]

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[84] CECRIA website at Section 1.2.5. *See also*: *Country Reports on Human Rights Practices for 1999—Brazil* (Washington, D.C.:U.S. Department of State, 2000), 28.

[85] Interview with Mar Sophea, national program manager, ILO-IPEC Cambodia, by U.S. Department of Labor official, October 17, 2000.

[86] *Report on the Problem of Sexual Exploitation and Trafficking in Cambodia* (Phnom Penh: Commission on Human Rights and Reception of Complaints of the National Assembly, May 1997), 2, 6. The commission noted that this was a minimum estimate, as it did not cover all districts or include commercial sex workers employed in other venues such as massage parlors and karaoke bars.

[87] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.:U.S. Department of State, 2000), Section 5.

[88] World Congress Against Commercial Sexual Exploitation, August 1996, and Mainstreaming Gender in IPEC Activities 1999, as cited in "Worst Forms of Child Labor Data: Dominican Republic," *The Global March Against Child Labor* (www.globalmarch.org/worstformofchild labour/dominican-republic.html). Another source cites a figure of 25,000 boys, girls, and adolescents working in the country's commercial sex sector. *See* Mercedes González, "La explotación sexual y laboral de niños," *El Siglo*, August 20, 2000.

[89] *Country Reports on Human Rights Practices for 1999—El Salvador* (Washington, D.C.:U.S. Department of State, 2000), Section 6c. [hereinafter *Country Reports 1999—El Salvador*].

[90] According to a 1998 study on child prostitution conducted by the Commission on the Family, the Woman, and the Child by the United Nations High Commissioner for Human Rights, among the major factors contributing to children engaging in prostitution are poverty, a lack of a strong nuclear family, discrimination against women, and organized crime; see *Country Reports 1999—El Salvador* at Section 5.

[91] *Country Reports on Human Rights Practices for 2000—India* (Washington, D.C.: U.S. Department of State, 2001), Section 6d.

- A recent study found that an estimated 30 percent of all sex workers in **Indonesia** are under the age of 18 (between 40,000 to 70,000 children).[93]

- In the **Philippines**, an estimated 60,000 children work in the commercial sex industry, many of whom are trafficked and forced into prostitution.[94]

- One nongovernmental organization (NGO) estimates that in **South Africa** there are 10,000 children among the approximate 40,000 prostitutes working in the Johannesburg area alone.[95]

- According to 1994 estimates from **Thailand**'s Office of the National Commission on Women's Affairs, between 22,500 and 40,000 children are involved in the country's commercial sex industry.[96]

- In **Sudan**, children are reportedly sold and purchased, some in alleged slave markets and some abducted by government or government-associated forces for purposes of sexual slavery.[97]

4. Children Involved in Illicit Activities

Children in some countries are lured or forced to work in illicit activities such as the trafficking of illegal drugs or the smuggling of goods across national borders. These children are exposed to crime networks, violence, and the risk of incarceration.

- Children in **Pakistan** are reportedly used in the smuggling of contraband and drugs.[98]

- Children in **Thailand** are reported to be involved in the trafficking of drugs, particularly amphetamines.[99]

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[92] ILO-IPEC, Time-Bound Pamphlet on Nepal, 2001. Of those girls who are rescued or are able to return to their villages from India, a sample study found that 37 percent were infected with HIV. ILO-IPEC, *Nepal Implementation Report*, 1998-1999, Section 1.2.3.

[93] Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," in Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia* (Jakarta: CSDS Atma Jaya, Department of Social Affairs, and UNICEF, 1998), 96-97.

[94] *Country Reports on Human Rights Practices for 2000-Philippines* (Washington, D.C.: U.S. Department of State, 2000), Section 3.

[95] U.S. Embassy-Johannesburg, unclassified telegram no. 0655, June 21, 2000.

[96] Estimates of children working in prostitution vary greatly. Herve Berger and Hans van de Glind, Children in Prostitution, Pornography and Illicit Activities : Thailand (Bangkok: ILO-IPEC, August 1999) 7.

[97] Country Reports on Human Rights Practices for 2000—Sudan (Washington, D.C.: U.S. Department of State, 2000) 822. *See also* U.S. Embassy-Nairobi, unclassified telegram no. 01479, March 12, 2001.

[98] Interview with Dr. Zafar Mueen Nasir, senior research economist, Pakistan Institute of Development Economics, by U.S. Department of Labor official, July 24, 2000.

[99] Dr. Somphon Chitradub, *Child Labour in the Trafficking of Drugs in Thailand: An ILO-IPEC Southeast Asia paper* (Bangkok: ILO-IPEC, 1999) 2-3.

5. Other Hazardous Forms of Child Labor

In addition to the worst forms of child labor described above, ILO Convention No. 182 provides for a broader category of labor that includes any work that threatens children's physical, intellectual, and moral development. While many activities could be considered to fall under this heading, the following examples describe children involved in inherently dangerous work activities.

- In **China**, an explosion at a primary school in March 2000, caused by high-powered explosives used to manufacture firecrackers, led to reports that school children were being forced to produce fireworks in school workshops. Reports indicated that teachers seeking to supplement their salaries forced children to work without pay and set production quotas that had to be met before the children could go home.[100]

- Children are also reported to work in firework production in the **Dominican Republic**,[101] **El Salvador**,[102] **Guatemala**,[103] **India**,[104] and **Peru**.[105]

- According to the **Colombian** Institute for Family Welfare (ICBF), approximately 1.5 million children and adolescents in Colombia under the age of 18 worked in high-risk conditions in the year 2000.[106]

- In **Haiti**, an estimated 250,000 to 300,000 children (often girls) work as domestic servants, or *restaveks*,[107] often for 10 to 14 hours per day without receiving any compensation.[108] Eighty percent of these girls are under the age of 14.[109] They are sometimes sexually abused, and if

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[100] Craig Smith, "Chinese Premier Apologizes for Schoolhouse Explosion," *New York Times* (March 15, 2001); and John Pomfret and Philip P. Pan, "Forced Child Labor Behind Deadly Explosion in China," *Washington Post* (March 7, 2001). *See also* Rupert Wingfield-Hays, "China Blast Toll Rises," *South China Morning* Post (March 9, 2001); Frank Lagfitt, "China Leader Admits Kids Made Fireworks but Premier Asserts Practice Was Stopped After Earlier Blast," *Baltimore Sun (* March 16, 2001); Ching-Ching Ni, "Forced Child Labor Turns Deadly in China's Needy School System," *Los Angeles Times*, March 9, 2001.

[101] *Country Reports on Human Rights Practices for 1999—Dominican Republic* (Washington, D.C.: U.S. Department of State, 1999), Section 6d (www.state.gov/www/global/human_rights/1999_hrp_report/ domrepub.html).

[102] U.S. Embassy-El Salvador, unclassified telegram no. 5508, February 1998.

[103] In **Guatemala**, between 3,000 and 5,000 children are employed in the fireworks industry. *Country Reports on Human Rights Practices for 2000, Guatemala* (Washington, D.C.: U.S. Department of State, 2001), Section 6d.

[104] Jill McGivering, "Festival of lights without fireworks," (http://news6.thdo.bbc.co.uk/hi/english/ world/ south%5Fasia/newsid%5F990000/990606.stm) (Wednesday, 25 October, 2000, 23:28 GMT 00:28 UK).

[105] *Country Reports on Human Rights Practices for 1999—Peru* (Washington, D.C.: U.S. Department of State, 1999). (www.state.gov/www/global/human_rights/ 1999_hrp_report.), Section 6d.

[106] "Sistema de Información ICBF," (http://www.icbf.gov.co/espanol/estadisticas.asp).

[107] UNICEF, *The State of the World's Children, 1997* (New York: UNICEF, 1996) 30. *See also*, "Haiti faces major education challenge," UNICEF Information Newsline, www.unicef.org/newsline/99pr16.htm

[108] National Coalition for Haitian Rights, **"**Helping Child Servants Who are Virtual Slaves" (www.unicef.org/ media/storyideas/946.htm, updated: November 30, 2000) October 26, 2001.

[109] UNICEF, *The State of the World's Children, 1997* (New York: UNICEF, 1996) 30. *See also*, "Haiti faces major education challenge," UNICEF Information Newsline, www.unicef.org/newsline/99pr16.htm

they become pregnant, are generally released to live on the streets where many turn to prostitution.[110]

- In the North Sumatra region of **Indonesia**, boys work on fishing platforms called *jermals* between 12 to 13 hours per day for periods of up to three months in often-dangerous conditions.[111] An estimated 30 percent of all sex workers are under the age of 18 (between 40,000 to 70,000 children).[112]

Children who work in mining and quarrying activities are frequently engaged in hazardous labor. They often work without protective gear and risk illness and serious injury on a daily basis.

- In **Bolivia**, children participate in all aspects of small-scale, traditional mining including the extraction of underground ore, which often involves handling explosives for drilling and blasting operations; the crude processing of the mineral including crushing it with hammers and heavy machinery; and the amalgamation of the ore, which exposes the children to mercury vapor.[113]

- In **Madagascar**, children also work under hazardous conditions in quarries and mines.[114]

- In **Mongolia**, children work in illegal gold mining[115] and in informal coal mining, both in the mines and scavenging for coal.[116]

- In **Peru**, children are found working in stone quarries,[117] and in mining sites.[118]

- In **Tanzania**'s mining regions, children work in surface and underground mines. In gemstone mines, children known as "snake boys" crawl through narrow tunnels hundreds of

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[110] Statement by Jean Robert Cadet on *Restavek* Servitude before the United Nations Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights Working Group on Contemporary Forms of Slavery, 25th Session (Geneva: June 2000) [document on file].

[111] *ILO-IPEC Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)* project document (Geneva: ILO, 1999) 2-3.

[112] Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," *in* Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia* (Jakarta: CSDS Atma Jaya, Department of Social Affairs, and UNICEF, 1998) 96-97.

[113] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, ILO-IPEC project document, March 9, 2000, 3 [document on file].

[114] U.S. Embassy – Antananarivo, unclassified telegram no. 001787, 2 October 2001.

[115] Mongolmaa, Update of the Situational Analysis on Child Labour in Mongolia – draft report (Ulaan Baatar, Mongolia: ILO/IPEC, 2001) 20-22.

[116] Mongolmaa, Update of the Situational Analysis on Child Labour in Mongolia – draft report (Ulaan Baatar, Mongolia: ILO/IPEC, 2001) 18-19.

[117] U.S. Department of State Human Rights Report for 1999. (www.state.gov/www/global/human_rights/1999_hrp_report.), Section 6d.

[118] ILO-IPEC. *Children Working in Small-Scale Traditional Gold Mining in Peru: National base-line study for the Project for Prevention and Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining in South America.* Maria del Carmen Piazza. March 2001. 80 – 83.

meters long to help position mining equipment and ignite and assess the effectiveness of explosions.[119]

As the above examples illustrate, children work under hazardous conditions and suffer the worst forms of child labor in countries around the world. While the scope of the problem is great, many governments are supporting initiatives to eliminate child labor. The next section considers several types of action that reflect the commitment of governments to end child labor.

B. Combating Child Labor

Support for initiatives to combat the exploitation of children has grown significantly in the past decade. To eliminate child labor, governments have developed national plans of action and taken steps to promote the collection of child labor data, passed child labor laws, increased access for children to schooling, and implemented targeted interventions to remove children from exploitative work.

Since the initiation in 1992 of ILO-IPEC, 51 countries have signed memorandum of understandings with the ILO and become members of the IPEC program. (*See* Table 1.1) The active participation of a country in IPEC includes taking steps to increase national capacity and raise awareness as part of their participation in the ILO's International Program on the Elimination of Child Labor. It also involves the establishment of a national steering committee on child labor charged with developing a national plan of action for the progressive elimination of child labor in the country.

Enhancing the capacity of local actors, such as NGOs and government, employer and worker organizations, to address child labor is essential for ensuring the sustainability of local efforts to eliminate child labor. Capacity may be built through many means, including training of labor inspectors, involvement of local actors in child labor coordinating committees, the direct involvement of local organizations in the implementation of targeted strategies, and the empowerment of local communities.

Many countries have also taken steps to collect and assess data on child labor. Such efforts not only enhance understanding of the problem, but can contribute to the development of more effective and efficient interventions at the country level. Launched in January 1998, the ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC)[120] aims to generate comprehensive quantitative and qualitative data on child labor. The following table indicates provides a list of countries that have worked with the ILO in collecting household-level data on child labor, or are planning to work with the ILO to collect such data in the future. (*See* Table 1.2)

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[119] *Situation Analysis Report on Hazardous Child Labor in the Three Sectors: Plantations and Agriculture, Domestic and Allied Workers Union, and Tanzania Mining and Construction Workers Union* (Dar es Salaam, Tanzania Federation of Free Trade Unions (ILO-IPEC, 1997) 10.

[120] For more information about ILO-IPEC's SIMPOC program, *see* (www.ilo.org/public/english/standards/ipec/simpoc/index.htm).

Table 1.1

IPEC Participation by Country

IPEC Member/ Participating Countries*	Since 1992	Brazil, India, Indonesia, Kenya, Thailand, Turkey (6)
	Since 1994	Bangladesh, Nepal, Pakistan, Philippines, Tanzania (5)
	Since 1996	Argentina, Bolivia, Chile, Costa Rica, Egypt, El Salvador, Guatemala, Nicaragua, Panama, Peru, Sri Lanka, Venezuela (12)
	Since 1997	Benin, Cambodia, Dominican Republic, Ecuador, Honduras, Senegal, South Africa (7)
	Since 1998	Madagascar, Mali, Uganda, Paraguay (4)
	Since 1999	Albania, Burkina Faso, Mongolia, Haiti (4)
	Since 2000	Belize, Ghana, Jamaica, Jordan, Laos, Lebanon, Morocco, Niger, Nigeria, Romania, Togo, Yemen, Zambia (13)
Associated countries*	**Africa**	Burundi, Cameroon, Congo, Democratic Republic Congo, Ethiopia, Gabon, Ivory Coast, Malawi, Namibia, Rwanda, Zimbabwe (11)
	Asia	China, Vietnam (2)
	Europe	Bulgaria, Georgia, Kyrgyzstan, Russia, Ukraine (5)
	Latin America and the Caribbean	Colombia, Mexico, Uruguay (3)
	Middle East	Syria, West Bank and Gaza, (2)

* Participating Countries are those that have signed a Memorandum of Understanding with IPEC. Associated Countries are those in which IPEC has begun activities—with the permission of the government—but where a Memorandum of Understanding has not yet been signed.

Source: See "All About IPEC: Programme Countries" at (www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

Table 1.2 **SIMPOC Participation by Country**	
Countries where Child Labor Surveys Occurred Prior to the Launch of SIMPOC in 1998	Bangladesh, Cambodia, Ghana, India, Indonesia, Pakistan, the Philippines, Senegal, Turkey, Thailand
Countries that have Completed SIMPOC Surveys*	Namibia, South Africa, Sri Lanka, Ukraine, Zambia, Zimbabwe
Countries for which Surveys are Expected to be Completed in 2002	Belize, Cambodia (follow-up survey), Dominican Republic, Ecuador, Ethiopia, Ghana, Georgia, Kenya, Guatemala, Nicaragua, Nigeria, Panama, Tanzania, Turkey (follow-up survey), Uganda
Countries for which Surveys are Expected to Start in 2002-2003	Argentina, Bangladesh, Brazil, Chile, Colombia, El Salvador, Honduras, Jamaica, Malawi, Nepal (follow-up survey), Philippines (follow-up survey), Romania, West Bank & Gaza strip
Countries for which Surveys are Planned for 2004 and Later	Burkina Faso, Costa Rica, Cote d'Ivoire, Egypt, India, Indonesia, Madagascar, Mali, Morocco, Russia, Senegal, Syria, Trinidad & Tobago, Venezuela, Vietnam, Venezuela
Countries for which SIMPOC Provided Only Technical Assistance	Portugal, Italy
* Data and/or Reports for these countries are available on the ILO's website. Source: "Child Labor Statistics: SIMPOC countries," see (www.ilo.org/public/english/standards/ipec/ simpoc/ countries.htm).	

Other initiatives such as the World Bank's Living Standards Measurement Survey (LSMS),[121] and UNICEF's Multi-Indicator Cluster Survey (MICS)[122] also provide important sources of data related to child labor. In addition, an interagency effort involving the participation of the ILO, UNICEF, and the World Bank aims to enhance collection and analysis

[121] For more information about the World Bank's LSMS program, *see* (www.worldbank.org/lsms/).

[122] For more information about UNICEF's MICS program, *see* (www.childinfo.org/MICS2/Gj99306m.htm).

of child labor data while seeking to avoid duplication of effort amongst these three agencies. The project, "Understanding Children's Work," also seeks to identify gaps in existing data and propose ways to fill such gaps.[123]

The passage of child labor laws represents another important step toward combating the problem. Laws may prescribe at what age and under what conditions children may work or proscribe children's involvement in certain types of work altogether. ILO Convention No. 182 calls upon ratifying countries to establish that some forms of work are not appropriate for any children, under any circumstances.[124] It is also important that child labor laws and basic education requirements be complementary.[125] Minimum work age laws and education requirements that complement each other become mutually reinforcing. By contrast, when labor and education laws conflict or leave gaps between the age when a child completes schooling and can legally begin work, then such laws may make child labor more likely. Regardless of how well conceived child labor laws are, however, to have an impact, they must be properly implemented and enforced. This remains a challenge in many countries since enforcement requires political will and the commitment of often scarce financial and personnel resources.

A comprehensive, national child labor strategy must also consider how to improve access for all children to quality schooling. Efforts to make basic education universal, free, and of high quality provide children with a viable and valuable alternative to child labor. When children attend school full time, they are also less likely to be engaged in child labor. As this suggests, efforts to reduce child labor and promote schooling for children can be both complimentary and mutually reinforcing. Moreover, education represents an investment in a child's future and in a country's future work force. In this way, efforts to promote access to schooling for children can support a country's broader economic development and poverty alleviation goals.

The passage and enforcement of child labor laws and the promotion of schooling for children are key strategies for reducing child labor. Eliminating child labor, however, may also require more targeted and urgent action. This is especially true in the case of children who are working in particularly dangerous circumstances, as in the case of children engaged in the worst forms of child labor. Many of the following ILO-IPEC programs supported by the U.S. Department of Labor specifically target hazardous forms of child labor, including the worst forms of child labor as identified in ILO Convention No. 182:

- A program in **Bangladesh** to prevent and eliminate the worst forms of child labor in certain formal and informal sectors;

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[123] The Inter-Agency Research Cooperation Project: *Developing New Strategies for Understanding Children's Work and Its Impact* involves the active participation of three agencies: the International Labor Organization, Unicef and the World Bank. The project aims "to improve child labour research, data collection and data analysis; to enhance local and national capacity for child labour data collection and research; and to improve the assessment of existing interventions in this field." *See* (www.ucw-project.org/) as accessed on August 16, 2001.

[124] *See* Articles 1 and 3 of ILO Convention No. 182. For full text of ILO Convention No. 182, *see* Appendix E.

[125] ILO Convention No. 138 emphasizes this point in Article 2, paragraph 3, which states, "The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years." For full text of convention, *see* Appendix F.

- A program to prevent and eliminate child labor in 10 hazardous sectors in **India**;[126]

- Projects in **Nepal** to remove children from bonded labor and to eliminate trafficking and commercial sexual exploitation of girls;

- A South Asia sub-regional program to combat the trafficking of children for exploitative employment in **Bangladesh**, **Nepal**, and **Sri Lanka**;

- A project in **Thailand** to prevent children from being forced into prostitution;

- Projects to combat child labor in the fireworks sectors of **El Salvador** and **Guatemala**;

- A program to address the exploitation of children working as domestic servants in **Haiti**;

- Programs to prevent and eliminate child labor in small-scale traditional mining in **Colombia**, **Bolivia**, **Ecuador**, and **Peru**;

- A program to combat child prostitution in **Brazil** and **Paraguay**;

- A regional project to assess the problem of child soldiers in four countries in Central Africa (**Burundi**, the **Republic of Congo**, the **Democratic Republic of Congo**, and **Rwanda**) and identify strategies to address the issue; and

- A nine country regional IPEC project in West and Central to address the trafficking of children for exploitative labor in **Benin**, **Burkina Faso**, **Cameroon**, **Gabon**, **Ghana**, **Cote d'Ivoire**, **Mali**, **Nigeria**, and **Togo**.

Removing children from exploitative work, however, is only one part of addressing the problem of child labor. Steps also need to be taken to ensure that children removed from one form of work do not merely enter another, possibly worse, form of child labor. Programs need to provide children with better alternatives once they leave child labor situations. Reducing a household's dependence on income earned through the labor of children is another critical step toward reducing the incidence of child labor. A number of the initiatives highlighted in the next chapter involve providing families of former working children with income generating opportunities. Others involve increasing the availability of credit facilities for poorer households.

Another indication of a country's commitment to ending child labor is the ratification and implementation of international standards, such as the ILO's two core conventions on child labor—ILO Convention No. 182 on the Worst Forms of Child Labor and ILO Convention No. 138 on Minimum Age for Employment Ratification. These two conventions have already been ratified by over 65 percent of the ILO's 175 member countries.

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[126] Targeted sectors include: *bidis*, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, stone quarries, and silk. The project will also include a review of existing efforts underway in the carpet industry. It is scheduled to begin in January 2002. "Preventing and Eliminating Child Labour in Identified Hazardous Sectors." (Geneva: ILO-IPEC, September 2001).

ILO Convention No. 182 calls on countries to take steps to eliminate the worst forms of child labor as a matter of urgency. Three countries have already taken steps in this direction. In 2001, the governments of El Salvador, Nepal and Tanzania officially launched comprehensive, national programs aimed at eliminating the worst forms of child labor in a set time frame. These "Time-Bound Programs" also seek to integrate strategies for child labor elimination into broader national policies on development, education and poverty alleviation.

C. Evidence from 33 Countries

As the examples in this chapter suggest, child labor is a problem that touches countries around the world. The next chapter of this report takes a closer look at the child labor situation in 33 countries. These are countries where child labor has been identified as a serious problem, but in many cases, they are also examples of countries where innovative initiatives are being undertaken to address the problem. The 33 countries in the following chapter were *not* chosen because they are the worst offenders. Rather, these are countries for which sufficient information was available to present a detailed picture of the many forms child labor can take and the variety of strategy that can be utilized to address the problem.

Chapter III:
Country Profiles

BANGLADESH

1. Child Labor in Bangladesh

In 1998, the International Labor Organization (ILO) estimated that 29 percent of children between 10 and 14 years in Bangladesh were working.[127] A child labor survey conducted in 1995 by the Bangladesh Bureau or Statistics in cooperation with ILO's Bureau of Statistics (STAT) estimated that 19 percent (6.6 million) of children between the ages of 5 and 14 in Bangladesh were working; of these, 5.4 million children were between the ages of 10 and 14. Out of the total number of working children, boys account for 3.9 million and girls for 2.7 million. Almost 89 percent of these working children do not participate in schooling[128] and approximately 65 percent work between 9 and 14 hours per day.[129] Eighty-three percent of working children are in rural areas as compared to 17 percent in urban areas.

The ILO reports that children in Bangladesh are engaged in between 300 and 400 types of economic activities.[130] Seventy-one percent work in agriculture, forestry, and fishery, while less than 15 percent are sales and service workers.[131]

Large numbers of children work as domestic servants, as prostitutes, and in the shrimp and leather tanning industries. Other children work on tea and tobacco plantations, in the *bidi*[132] and construction industries, and in carpentry, hotels, restaurants and small retail shops. Children also work as porters, transport workers and street vendors.[133] Many children are compelled to work at a very young age. This frequently results in mistreatment and abuse of children by employers, particularly those involved in domestic service.[134]

An ILO study on hazardous child labor in Bangladesh identified at least 47 economic activities that were considered hazardous for children.[135] Among the areas listed as hazardous were automobile repair, the glass bangle bracelet industry, *bidi* rolling, construction, leather tanneries, match factories, print shops, the seafood industry, tea plantations, the transport sector, and informal service sectors including domestic servants, scavengers and weavers.[136]

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[127] *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000).

[128] *Report on the National Sample Survey of Child Labor in Bangladesh, 1995-96* (Dhaka: Bangladesh Bureau of Statistics/ILO-IPEC, October 1996), 44-47 [hereinafter *National Sample Survey Report*].

[129] *Child Labor Situation in Bangladesh: A Rapid Assessment* (Dhaka: ILO and UNICEF, Wahidur Rahman, 1997), ix [hereinafter *Child Labor Situation in Bangladesh*].

[130] Ibid.

[131] *National Sample Survey Report* at 47.

[132] A type of small, hand-rolled cigarette.

[133] *Child Labor Situation in Bangladesh* at ix, 23.

[134] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), Section 5 [hereinafter *Country Reports 2000—Bangladesh*].

[135] Hazardous Child Labor in Bangladesh (Dhaka: ILO and the Government of Bangladesh, Wahidur Rahman, 1996), 3-4.

[136] International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), "Preventing and Eliminating Worst Forms of Child Labor in Selected Formal and Informal Sectors" (Geneva: ILO-IPEC, August 2000), 3-4 [hereinafter "Preventing and Eliminating Worst Forms of Child Labor."]

It is estimated that each year more than 20,000 women and children are trafficked from Bangladesh. Many are lured away with the false promises of good jobs or marriage, only to end up in bonded labor, menial jobs or prostitution.[137] In addition, children as young as 4 and 5 years old are trafficked from Bangladesh to the United Arab Emirates to work as camel jockeys.[138]

2. Children's Participation in School

Between the years of 1996 and 1997, the gross primary attendance rate was 111.8 percent, and the net primary attendance rate was 75.2 percent.[139] According to 1998 government figures, the gross primary enrollment rate for Bangladeshi children between the ages of 6 and 10 was 96 percent, and the net primary enrollment rate was 81.4 percent.[140] Boys accounted for 52 percent of the children (9.5 million) enrolled in primary school and girls for 48 percent (8.8 million). The dropout rate among these children was estimated to be 35 percent.[141] Among the obstacles children face in obtaining an education are poorly trained teachers, lack of textbooks and teaching aids, and inadequate school classrooms and playing grounds. Lack of water and sanitation are also problems in schools.[142] As of 1998, there were 79,722 primary level educational institutions in the country, including government, nongovernment, unregistered nongovernment, and satellite schools.[143]

3. Child Labor Law and Enforcement

In Bangladesh, the legal minimum working age varies according to sector, as there is no law that uniformly prohibits the employment of children or sets a minimum age for employment. The 1938 Employment of Children Act and Rules of 1955 permit children as young as 12 years to be employed in leather tanning workshops and in the production of carpets, cement, matches, and fireworks, among other items. The minimum employment age for work in factories is 14 years; for work in mines and railways, the minimum age is 15 years. Work performed by children in agriculture, domestic work, and the informal sector is not covered by specific child labor laws. The Children Act of 1974 prohibits the employment of children for begging and the exploitation of children in brothels. Forced labor, including forced child labor, is prohibited by Bangladesh's Constitution. Based on the Repression of Women and Children Prohibition Act of 2000,

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[137] *Country Reports 2000—Bangledesh* at Section 6f.

[138] U.S. Embassy–Abu Dhabi, unclassified telegram no. 003162, May 29, 2000.

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

[140] *Year 2000 Assessment*, Country Report, Bangladesh (Dhaka: Government of Bangladesh, Primary and Mass Education Division, 1999), 49 [hereinafter *Year 2000 Assessment*]. (*Note:* Unclassified telegram Dakar 002999 cites Ministry of Education figures for school enrollment at 86 percent and only 50 percent completion rates up to age 10).

[141] *Primary Education in Bangladesh, Directorate of Primary Education*, Primary and Mass Education Division, Government of the People's Republic of Bangladesh, November 1999, 13, 16, 18 [hereinafter *Primary Education in Bangladesh*].

[142] U.S. Embassy-Dhaka, unclassified telegram no. 002999, December 19, 2000 [hereinafter unclassified telegram, 002999].

[143] *Primary Education in Bangladesh* at 15.

trafficking of women and children is an offense punishable by death or life imprisonment.[144]

Child labor laws are seldom enforced outside of the garment export industry. Most child labor occurs in the informal sector where no inspections take place.[145] With a staff of 110 inspectors, the Department of Inspection for Factories and Establishments is responsible for inspection and enforcement of a host of labor laws, including those related to child labor, in approximately 18,000 factories. There are no reports of fines or prosecution being imposed on violators of child labor laws, nor have there been efforts to harmonize child labor laws with compulsory education laws.[146]

The Government of Bangladesh ratified ILO Convention No. 182 on the Worst Forms of Child Labor on March 12, 2001.[147] Bangladesh has also ratified the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on the Rights of the Child on the Involvement of Children in Armed Conflict.[148]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Bangladesh became a member of the International Labor Organization's International Program on the Elimination of Child Labor (IPEC) in 1994. Since then, 75 action programs have been implemented, primarily targeting the worst forms of child labor through awareness raising, nonformal education, income-generating alternatives for families, and capacity building of partner organizations.[149]

In July 1995, the Bangladesh Garment Manufacturers' Association (BGMEA), the ILO, and UNICEF signed a Memorandum of Understanding (MOU) aimed at eliminating child labor in the garment industry. The MOU partners established a workplace monitoring system and social protection program, including provision of educational opportunities for children removed from work. Funding has been provided from the U.S. Department of Labor to support the monitoring system. As a result of this program, the number of child workers in BGMEA factories has been significantly reduced from 43 percent in 1995 to 3 percent as of January 2001.[150] A second MOU was signed between the same parties on June 16, 2000, which in

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[144] Unclassified telegram 002999.

[145] Ibid.

[146] Interview with Latifur Rahman, deputy secretary, Ministry of Labour and Employment, Government of Bangladesh, by U.S. Department of Labor official, June 29, 2000.

[147] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[148] For a full list of countries that have ratified Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *see* (www.unicef.org/crc/opsx-tableweb.htm). For a full list of countries that have ratified Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, *see* (www.unicef.org/crc/opcac-tableweb.htm).

[149] "Preventing and Eliminating Worst Forms of Child Labor" at 12.

addition to reaffirming the agreements of the first MOU, commits the parties to develop a long term and sustainable response to monitoring child labor in the garment industry.[151]

In 2000, with funding from the U.S. Department of Labor, IPEC initiated a project targeting child labor in five hazardous industries: *bidis*, construction, leather tanneries, production of matches, and child domestic service. Bangladesh is also one of three countries participating in the ILO-IPEC South Asia Sub-Regional Programme to Combat Trafficking in Children for Exploitative Employment, which is also funded by the U.S. Department of Labor.[152]

The Bangladesh Ministry of Labor, with the support of USAID, is implementing child labor demonstration projects in selected hazardous industries.[153] Additionally, the Bangladesh Bureau of Statistics conducted a labor force survey in 2000, which incorporated a questionnaire on child labor. The questionnaire was intended to update the 1995-96 National Sample Survey of Child Labor in Bangladesh.[154]

b. Educational Alternatives

In 1991 the Government of Bangladesh made primary education compulsory for children between ages of 6 and 10 years. Basic primary education is free in Bangladesh. However, parents must bear certain costs, such as transport, uniforms and school supplies.[155]

In order to increase primary school enrollment, the government, in collaboration with the World Food Program,[156] has implemented a Food for Education Program since 1993. More than 2.2 million children from 17,403 schools have benefited from this program, which gives parents wheat or rice in exchange for sending their children to school.[157] In addition, a stipend program began in April 2000, mandating that the government give 20 taka (about 40 cents) a month to the mothers of poor children to send them to school.[158] Bangladesh is a signatory to the World Declaration on Education for All (EFA) and as a follow-up has a National Action Plan for EFA.[159]

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[150] ILO-IPEC, "Continuing the Child Labour Monitoring and Education Components, and Prepare for the Integration into a Broader Project in the Garment Export Industry in Bangladesh" (Geneva, April 2001), 2.

[151] "The Second Memorandum of Understanding (MOU-2) between the BGMEA, ILO, and UNICEF Regarding the Monitoring to Keep Garment Factories Child-Labor Free, the Education Programme for Child Workers, and the Elimination of Child Labor," Geneva, June 16, 2000.

[152] "Preventing and Eliminating Worst Forms of Child Labor" and "South Asian Sub-Regional Programme to Combat Trafficking of Children for Exploitative Employment in Bangladesh, Nepal, and Sri Lanka," February 2000.

[153] Interview with Nishat Chowdhury, Trafficking and Child Labor Advisor, U.S. Agency for International Development (USAID), U.S. Embassy-Dhaka, by U.S. Department of Labor official, June 25, 2000.

[154] The Bangladesh Bureau of Statistics is currently processing the data that they expect to release sometime in 2001. Interview with Zobdul Hoque, project director, Bangladesh Bureau of Statistics, Government of Bangladesh, by U.S. Department of Labor official, June 25, 2000.

[155] Unclassified telegram 002999.

[156] "Preventing and Eliminating Worst Forms of Child Labor" at 9.

[157] *Primary Education in Bangladesh* at 17.

[158] Interview with Delwar Hossain, deputy chief of planning, Primary and Mass Education Division, Ministry of Education, Government of Bangladesh, by U.S. Department of Labor official, June 25, 2001.

[159] *Year 2000 Assessment* at 23.

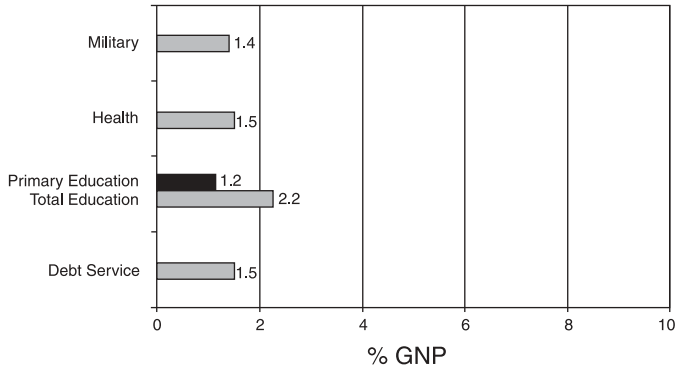
The government also works with the United Nations Children's Fund (UNICEF) on the Basic Education for Hard to Reach Urban Children's Project, which provides 2-year basic literacy education to working children living in urban slums.[160]

In 1996-97, the government's budget allocation for primary education was 1.28 percent of gross domestic product (GDP).[161]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[162]

Selected Government Expenditures as a Percentage of Bangladesh's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

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[160] United Nations Children's Fund (UNICEF), "Basic Education for Hard to Reach Urban Children: A Project of the Government of Bangladesh and UNICEF" (Dhaka: UNICEF) [document on file].

[161] Unclassified telegram 002999.

[162] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

BENIN

1. Child Labor in Benin

In 1998, the International Labor Organization (ILO) estimated that 27 percent of children between the ages of 10 and 14 in Benin were working.[163] Most working children in Benin are found in rural areas where they work on family farms, in small businesses, and in commercial agriculture, particularly in the cotton sector.[164] Children also work in the construction industry, as domestic servants, and as street vendors.[165] Anti-Slavery International estimated that in 1998, approximately 150,000 children worked as domestic servants in Benin.[166] According to a 1998 UNICEF report, approximately 19 percent of the children it surveyed who worked as domestic servants were under 10 years old, approximately 72 percent were between the ages of 10 and 14, and approximately 8 percent were older than 14 years of age.[167]

Trafficking of children for exploitative labor also occurs in Benin. The country is reportedly a supplier, a recipient, and a country of transit for trafficked children. In 1998, Benin's police force intercepted 1,058 children being trafficked from Benin, and in 1999, intercepted another 670 children being trafficked.[168] According to press reports, in some villages targeted by organized child traffickers, up to 51 percent of the children in the 6 to 16 age group had been trafficked.[169] In one village, 72 percent of households had at least one child working abroad.[170] Children are trafficked from Benin primarily to work in agriculture or as domestic servants.[171]

In many cases, domestic trafficking of children involves poor rural families placing a child (typically a daughter) in the home of a wealthier family, a practice known as *vidomegon*.[172] While the traditional practice of *vidomegon* is not abusive, the custom often degenerates into exploitation of these children.[173] More than 20 percent of the children involved in this practice are less than 10 years of age and more than 90 percent have never been in school.[174]

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[163] World Bank, *World Development Indicators 2000* [CD-ROM] (Washington, D.C., 2000) [hereinafter *World Development Indicators 2000*].

[164] *Internationally Recognized Core Labor Standards in Benin: Report for the WTO* [World Trade Organization] *General Council Review of the Trade Policies of Benin* (Geneva: International Confederation of Free Trade Unions, September 15, 1997), 2. *See also* U.S. Embassy-Cotonou, unclassified telegram no. 02319, September 15, 2000.

[165] *Trade Union World*, "Benin: The Cotton Scandal," no. 3 (November 1997), 7.

[166] *SC&D News*, Social Change and Development, vol. 10 (Winter): 1 [hereinafter *SC&D News*].

[167] UNICEF, "The Issue of Child Domestic Labor and Trafficking in West and Central Africa," as cited in "The Worst Forms of Child Labor: Country-Wise Data, October 2000," July 1998 (New Delhi: The Global March Against Child Labour, 2000).

[168] "Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Benin Country Annex" (ILO-IPEC 2000), 2 [hereinafter "Combating the Trafficking of Children"].

[169] "Benin Sourcing Children for Labour, Says Report," Africa News Service, July 15, 2000 (www.allAfrica.com/stories/200007170044.html).

[170] Ibid.

[171] Ibid.

[172] *SC&D News*.

[173] "Combating the Trafficking of Children."

[174] *SC&D News*.

2. Children's Participation in School

In 1996, the gross primary attendance rate was 67.1 percent, and the net primary attendance rate was 43.6 percent.[175] For the same year, the gross primary enrollment rate was 77.6 percent, and the net primary enrollment rate was 67.6 percent.[176] There are differences in both attendance and enrollment rates between boys and girls. In 1996, the gross primary attendance rate for boys was 83.7 percent compared to 49.8 percent for girls, and the net primary attendance rate for boys was 52.5 percent compared to 34.4 percent for girls.[177] The primary gross and net enrollment rates in 1996 were also much higher for boys than for girls.[178] Since 1990 primary school enrollment rates have increased. The increase in enrollment since 1990 has coincided with a rise in the student-teachers ratio from 36 in 1990 to 53 in 1997.[179] Repetition rates in Benin are also high. In 1997, 25 percent of children in primary school were enrolled in the same grade as they had been in the previous year.[180]

In 1990, the Government of Benin conducted a nationwide survey of educational efficiency and found a shortage of qualified teachers, insufficient teaching materials, teacher support and training, and incomplete, outmoded and poorly organized curricula.[181]

3. Child Labor Law and Enforcement

Benin's Labor Code prohibits employment or apprenticeship of children younger than 14 years of age in any enterprise.[182] The Government of Benin has also taken steps to address trafficking of children. In 1995, the Government of Benin passed Decree No 95-191 that established several regulations for issuing authorizations for minors (anyone under the age of 18) to leave the country. Under this decree, any adult wishing to exit the country with a minor must request permission in writing from the regional authority and must have a recommendation from the chief of a village or the mayor of a community.[183]

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

[176] *World Development Indicators 2000.*

[177] *Global Education Database 2000.*

[178] In 1996, the primary gross enrollment rate for boys was 98.1 percent compared to 57.1 percent of girls. The net primary enrollment rate in 1996 was 80 percent for boys, and 47.4 percent for girls. See *World Development Indicators 2000.*

[179] Ibid.

[180] Ibid.

[181] *USAID Basic Education Programs in Africa—Benin Country Profile* (www.usaid.gov/regions/afr/basiced/mali.html); cited August 14, 2001.

[182] [17] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), 6d [hereinafter *Country Reports 1999—Benin*].

[183] This decree also requires that emigrants indicate the motive of their journey, the identity of the person accompanying the minor, as well as the identity of the tutor (who will provide the minor with the requisite level of education) in the country of destination. A security deposit, on a special bank account of the Ministry of Foreign Affairs, is also required. This deposit is reimbursed as soon as the child returns to Benin. Otherwise, it can be used for the repatriation of the child.

Generally, the Ministry of Labor and Social Affairs is responsible for the protection of labor rights, including enforcement of child labor laws.[184] Laws against trafficking are reportedly enforced sporadically in Benin. Access to courts and police, and the imposition of penalties against traffickers, tend to vary by district.[185]

Benin ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment in June 2001, and ILO Convention No. 182 on the Worst Forms of Child Labor on November 6, 2001.[186]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In 1994, the Government of Benin implemented a national study on child labor and exploitation, and in 1996 signed a Memorandum of Understanding (MOU) with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC).[187] With ILO-IPEC support, Benin launched a national program of action to prevent children from entering the labor market; improve the conditions of work for some children as a first step toward the elimination of child labor; raise awareness among children, parents, employers and the public at large about the dangers of child labor; and abolish child labor in hazardous activities.[188]

In January 1997, Benin's Ministry of Justice created a program for the Judicial Protection of the Child to monitor juvenile justice cases and carry out research on how to draft legislation that protects children's rights. The program has been involved in creating a national databank on trafficking in children, monitoring legal cases that involve trafficking in children, and revising legislation on trafficking. The program receives financial support and resources from nongovernmental and international organizations such as UNICEF.[189]

Since October 1984, there has been an agreement between Ghana, Benin, Nigeria and Togo, to facilitate the return of children being trafficked and the extradition of traffickers.[190] In December 1999, Benin's Ministry of Social Protection and Family established a unit for Family and Childhood to combat displacement and trafficking in children. The unit is supported in part

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[184] *Country Reports 1999—Benin* at Section 5.

[185] *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa: Synthesis Report, Benin* (Côte d'Ivoire: ILO-IPEC, 2000) [hereinafter *Synthesis Report, Benin*].

[186] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[187] *Synthesis Report, Benin*.

[188] *Concluding Observations of the Committee on the Rights of the Child: Benin*, U.N. Document No. CRC/C/15/Add.106 (Geneva: United Nations Committee on the Rights of the Child, 1999), 2.

[189] *Combating the Trafficking of Children* at 3.

[190] According to this agreement, if, for example, the Beninese police intercept a convoy of Togolese children being trafficked through Benin to Nigeria or Gabon, the Togolese police should be informed and the children returned.

by UNICEF within the framework of the program of social development aid. The effort aims to create regional crisis centers to assist children throughout the country.[191]

In 1982, Benin's Ministry of the Interior and Public Security established the Task Force on the Protection of Minors (Brigade de Protection des Mineurs) to prevent the "maladjustment" of minors and to conduct research on criminal offenses committed by children under 18.[192] The task force works with nongovernmental organizations (NGOs) to reintegrate intercepted victims of trafficking into their families and operates a telephone hotline for reporting violations of children's rights.[193]

In August 1999, Benin joined eight other countries involved in the first phase of the ILO-IPEC regional project to combat trafficking of children for exploitative labor in West and Central Africa, funded by the U.S. Department of Labor. The project included assessments of the trafficking problem in the nine countries, including Benin, and a subregional report synthesizing the main findings. Efforts were also made to channel identified children to NGOs providing social protection and support services for victims of trafficking. A second phase of this project, also funded by the U.S. Department of Labor, began in July 2001 and provides rehabilitation services for children who are victims of trafficking, awareness-raising about trafficking, local capacity-building efforts to address the problem, and initiatives to enhance regional cooperation to address trafficking among the nine participating countries.[194]

A UNICEF-supported project, entitled the "Project on Children in Need of Special Protection," seeks to raise awareness about trafficking of children and the hazards faced by children who are trafficked. In addition to advocating for children's rights as defined by the United Nations Convention on the Rights of the Child, the project has established eight education centers for girls involved in domestic service and provided assistance to help women access loans for income-generating activities.[195] UNICEF programs to address trafficking of children have also established local committees in rural areas to address trafficking, have used radio and television broadcasts to raise awareness and have supported NGOs that facilitate the reintegration of trafficking children.[196]

Many NGOs also conduct programs to combat child trafficking. Some of their activities include providing training material for teachers on child trafficking and on awareness-raising methods they can use in the community; follow-up on children arrested by the police; reintegration and monitoring of victims of trafficking; and sensitization for parents about trafficking.[197]

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[191] *Combating the Trafficking of Children* at 3.
[192] *Synthesis Report, Benin*.
[193] Ibid.
[194] *Combating the Trafficking of Children* at 3-4.
[195] UNICEF, "Background: Protecting Children from Trafficking" (www.unicefusa.org/ct/background_2.html); cited October 30, 2001 [hereinafter "Protecting Children from Trafficking"].
[196] *Combating the Trafficking of Children* at 3-4.
[197] Ibid at 4.

b. Educational Alternatives

According to Article 13 of the Constitution of Benin, education is free and compulsory for children between the ages of 6 and 11.[198]

The Government of Benin has been working with the U.S. Agency for International Development (USAID), the United Nations Children's Fund (UNICEF), and other international organizations to reform its education sector since 1991.[199] The reform initiatives have allocated increased public spending for primary education and improved institutional capacity for educational planning, management, and accountability. Education decision-making is being decentralized to communities and local governments.[200] UNICEF is also active, through its "Project on Children in Need of Special Protection," in promoting girls' access to education in Benin.[201]

Benin's Ministry of National Education has supported in-service teacher training to improve teacher capacity, while institutional reforms have allowed teachers to be paid regularly since 1990. Between 1990 and 1994, the number of teachers with professional qualifications rose by 10 percent, teacher training was revamped, and new curricula were developed and tested.[202] The Ministry of National Education has also undertaken efforts to define standards for the provision of basic quality schooling and educational budget management.[203]

In 1995, total government spending on education as a percentage of gross national product (GNP) was 3.2 percent.[204] In the years from 1994 to 1997, government spending on primary education as a percentage of GNP has ranged from between 1.23 and 1.35 percent.[205] In 1997, government expenditure on education comprised approximately 15 percent of total government expenditures.[206]

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[198] *Synthesis Report, Benin*.

[199] *USAID Basic Education Programs in Africa—Benin Country Profile* (www.usaid.gov/regions/afr/basiced/mali.html), August 14, 2001 [hereinafter *USAID—Benin Country Profile*].

[200] Ibid.

[201] "Protecting Children from Trafficking."

[202] *USAID—Benin Country Profile.*

[203] Ibid.

[204] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education,* Country Report, Benin (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Benin*].

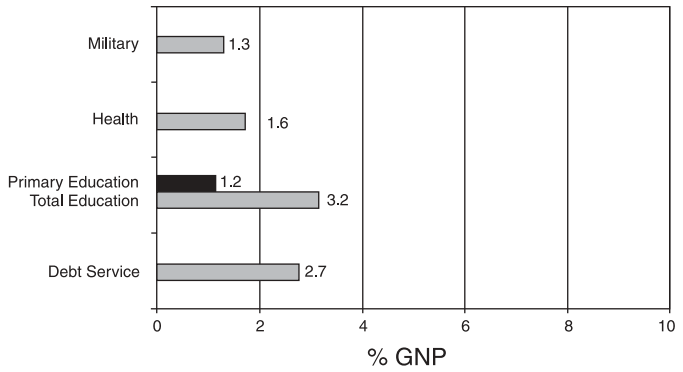
[205] Ibid.

[206] United Nations Development Program (UNDP), *Human Development Report 2000* (New York: Oxford University Press, 2000).

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[207]

Selected Government Expenditures as a Percentage of Benin's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[207] *See* Chapter 1, Section C, 5 for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

BOLIVIA

1. Child Labor in Bolivia

In 1998, the International Labor Organization (ILO) estimated that 13 percent of children between the ages of 10 and 14 years in Bolivia were working.[208] Bolivia's Ministry of Planning and Sustainable Development, however, reports that approximately 23 percent (nearly 370,000) of children between the ages of 7 and 14 work, and approximately 221,000 of those children do not attend school at all.[209] Children in Bolivia generally enter the labor market between the ages of 10 and 12, but working children as young as 6 are reported to work.[210] Children and adolescents frequently work the same number of hours as adults.[211]

The greatest percentage of child labor occurs in rural areas, particularly in the construction, livestock and agricultural sectors.[212] In the rural areas, work for children is traditionally considered a formative experience from which children derive skills and basic tools for their future.[213] The number of working boys in rural areas is twice as great as the number of working girls.[214]

The ratio of working boys to working girls in urban areas is almost 1 to 1.[215] The number of working boys is almost twice that of working girls in the construction and transport sectors, and 67 percent of working children in the manufacturing sector are boys. Girls account for almost all the working children in the domestic service sector, and for about 75 percent of all working

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[208] *World Development Indicators 2000*.

[209] The Ministry of Planning and Sustainable Development has reported that of the approximately 1.6 million children and adolescents between the ages of 7 and 14 in the country nearly 370,000 work. Ministerio de Desarrollo Sostenible y Planificación, Vice-Ministerio de Asuntos de Género, Generacionales y Familia, Dirección General de Asuntos Generacionales y Familia, *Programa de Asistencia Familiar para la Permanencia Escolar de Niñas y Niños Trabajadores*, February 2001, 6 [hereinafter *Programa de Asistencia Familiar para la Permanencia Escolar*]. The age ranges that define the categories of "children" and "adolescents" in Bolivia are unclear in the Child and Adolescent Code and in the Labor Code, but official statistics classify anyone who is economically active between the ages of 7 and 10 as a child and anyone who is economically active between the ages of 10 and 19 as an adolescent. Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2000-2010, Elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil, La Paz, 2000, 18.

[210] *Programa de Asistencia Familiar para la Permanencia Escolar* at 6.

[211] International Confederation of Trade Unions (ICFTU), *Report on Core Labour Standards for the WTO: Report for the WTO General Council Review of the Trade Policies of Bolivia* (Geneva, July 19 and 21, 1999) (www2.iicftu.org/displaydocument.asp?Index= 990916233&Language'EN&Printout=Yes) [hereinafter *Report on Core Labour Standards for the WTO*].

[212] "Trabajo infantil: 370 mil niños trabajan en Bolivia, informo hoy la viceministra de Género, Jarmila Moravek," *El Diario*, July 5, 2000 (www.caj.../bdescriptor.in]?bdatos=2000&egistros=25&format=resumen&boolean=0499).

[213] *Programa de Asistencia Familiar para la Permanencia Escolar* at 7.

[214] *Trabajo infantil en los países Andinos: Bolivia, Colombia, Ecuador, Peru y Venezuela*, Primera Edición (ILO: Lima, Peru, 1998), 17 [hereinafter *Trabajo infantil en los países Andinos*].

[215] Ibid.

children in the hotel and restaurant sectors. The ratio of working boys to girls in the commercial sector is nearly even.[216]

Children participate in all aspects of small-scale, traditional mining in Bolivia, including the extraction of underground ore, which often involves handling explosives for drilling and blasting operations; the transporting of ore from the interior of the mines, during which children often carry heavy loads directly on their backs; the crude processing of the mineral including crushing it with hammers and heavy machinery; and the amalgamation of the ore, which exposes children to mercury vapor.[217]

Another recognized form of child labor is the *criadito* practice. Criados are maids or houseboys, often of indigenous origin, who are sent by their parents to work in middle-class and upper-class households, usually in urban centers. Children are required to perform domestic labor in exchange for education, clothing, room, and board. Since there are no controls over the treatment of children in this arrangement, many become virtual slaves for the years of their indenture. Employers frequently do not honor their part of the agreement, and criado children often do not receive schooling.[218]

A major factor contributing to child labor in Bolivia in the 1990s is the economic, political and social crisis which has elevated levels of poverty throughout the country.[219] Many of the resulting "new poor" have lost their sources of income from the formal and informal sectors of the economy.[220]

Commercial sexual exploitation of children is reported in Bolivia, particularly in the nightclub scene of poor urban areas.[221] Individuals who prostitute children often look for new recruits at bus and train stations where young people first arrive in cities.[222] Press reports also indicate that some policemen responsible for issuing licenses to adult prostitutes in the city of Cochabamba have accepted under-the-table payments in return for altering the documentation of minors in order to enable them to work as prostitutes.[223]

Many rural Bolivian children are lured to more prosperous countries like Peru, Chile, Argentina, and Spain with promises of good salaries and an opportunity to support their families

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[216] Vice-Ministerio de Asuntos de Género, Generaciones y Familia, Dirección General de Asuntos Generacionales y Familia, *Solicitud de Cooperación: Proyecto de Continuidad del Programa de Escolarización de Niñas y Niños Trabajadores de 7 a 12 Años de Edad*, 10 [hereinafter *Solicitud de Cooperación*].

[217] ILO-IPEC, *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, ILO-IPEC project document, March 9, 2000, 3 [document on file].

[218] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000) (www.state.gov/www/global/human_rights/1999_hrp_report/bolivia.html), Section 5 [hereinafter *Country Reports 1999—Bolivia*].

[219] *Programa de Asistencia Familiar para la Permanencia Escolar* at 2.

[220] Ibid.

[221] U.S. Embassy—La Paz, unclassified telegram no. 003284, July 28, 2000.

[222] U.S. Embassy—La Paz, unclassified telegram no. 005134, Oct. 22, 1999.

[223] *Presencia*, "Algunos policías prostituyen a menores," November 14, 2000.

back home.[224] Bolivian traffickers living abroad return to Bolivia to entice minors with false promises. They disguise the children as tourists and traffic them to other countries. The Bolivian Commission on Social Policy reports that more than 24,000 children have been trafficked since June 2000.[225]

2. Children's Participation in School

In 1997, net primary school attendance in Bolivia was 81.5 percent,[226] and net primary school enrollment was 97.4 percent.[227] However, according to government reports, more than 56 percent of Bolivian children and adolescents do not attend or have abandoned school.[228] In urban centers, 57 percent of all children between the ages of 7 and 12 abandon school before the sixth grade. The dropout rate increases to 89 percent in rural regions.[229] In the year 2000, nearly 55,000 families refrained from sending one or more of their children to school. This suggests that, as a result, approximately 221,000 children between the ages of 6 and 15 abandoned school that year.[230] A study published by the Ministry of Education indicates that four out of five illiterate citizens are female, and that girls frequently leave school at a young age to work and supplement the family income.[231]

A study carried out by the Ministry of Planning's Educational Reform Team showed that in rural areas only 0.7 percent of girls and 1.4 percent of boys finish high school. The numbers are significantly higher in urban areas, with 26 percent of girls and 31 percent of boys graduating from high school.[232]

In rural areas, access to school and additional costs associated with schooling frequently represent significant obstacles for poorer families. In addition, corporal punishment and verbal abuse make schooling less attractive to many children.[233] These factors contribute to an increasing school desertion rate and a widening gap between a child's chronological age and his or her academic level.[234]

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[224] *Los Tiempos* (La Paz), Sept. 12, 2001, as quoted in the *UN Wire*, *Bolivia: Officials Launch Investigation on Child Trafficking*, September 12, 2001 (www.unfoundation.org/unwire/2001/09/12/current.asp#18042).

[225] Ibid.

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

[227] *World Development Indicators 2000*.

[228] Plan Nacional para la Erradicación Progresiva del Trabajo Infantil 2000-2010, Elaborado por la Comision Interinstitucional de Erradicación Progresiva del Trabajo Infantil (La Paz, 2000), 11.

[229] *Solicitud de Cooperación* at 12.

[230] *Programa de Asistencia Familiar para la Permanencia Escolar* at 3.

[231] U.S. Department of State, Human Rights Reports for 1999: Bolivia (Washington, D.C., 2000), Section 5 (www.state.gov/www/global/human_rights/1999_hrp_report/).

[232] Study carried out by Bolivia's Ministry of Planning's Educational Reform Team, as cited in *Core Labour Standards for the WTO*.

[233] *Country Reports 1999—Bolivia* at Section 5.

[234] Plan nacional para la erradicación progresiva del trabajo infantile, 2000-2010, Elaborado por la Comisión Interinstitucional de Erradicación Progresiva del Trabajo Infantil, La Paz, 2000, 11.

Lack of proper birth certification is a significant obstacle to accessing education for many children in Bolivia. Children must be properly registered with the state in order to have access to education and public health services. The Bolivian Code for Boys, Girls and Adolescents, which was formalized in June 2000, establishes that all youths under the age of 18 must be officially registered with the state. While the code states that birth certification should be provided without charge,[235] in practice Bolivian legislation only provides free birth certificates for infants up to 3 months of age. As a result, families frequently have to bear the cost of birth certification. Children from families who cannot afford this cost are left without proper documentation and are subject to being denied access to formal education and government-provided health and social security benefits.[236] According to one international organization, as of November 2000 only 89,480 children out of an estimated 400,000 children under the age of 7 had been properly registered with the state.[237]

3. Child Labor Law and Enforcement

In accordance with the Bolivian Code for Boys, Girls and Adolescents, 14 is the legal minimum age for employment.[238] The code also states that working children and adolescents between the ages of 14 and 18 are required to obtain authorization from their parents or wards. If neither exists, then they need to request authorization from a labor inspector of the Labor Ministry.[239]

In March 2001, the Government of Bolivia adopted the stipulations of the Child and Adolescent Code that allow judges and other authorities of the Bolivian Ministry of Justice to impose penalties for violations of the rights of minors within the country.[240]

The General Labor Law allows for apprenticeships for children younger than 14, which may not exceed a two-year period.[241] Apprenticeships require a signed contract in which salary and other terms are clarified.[242] All apprenticeship contracts must be stamped by a labor inspector.[243] According to the General Labor Law, employers are required to oversee that apprentices attend school during normal school hours.[244]

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[235] *Presencia*, "CNE vulnera Código del Niño," social section, November 14, 2000.

[236] Ibid.

[237] In reference to the number of children without proper birth certification, the article cites information provided by Roxana Jiménez, executive director, Defensa de Niños Internacional (DNI), *Presencia*, November 14, 2000, ACNE vulnera Código del Niño.

[238] Codigo del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. editorial, La Paz, Bolivia, 2000, 41.

[239] Ley General del Trabajo-Eleva a Rango de Ley, Chapter 1, General Dispositions, Title II, Article 8 (www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm).

[240] *Los Tiempos*, Vida y Futuro, "Correo del Sur: Protegan legalmente a los niños," March 21, 2001 (www.lostiempos.com/pvyf4.shtml).

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

[242] Ibid.

[243] Ibid. at 69.

[244] Ibid. at 20.

The General Labor Law also prohibits minors from dangerous, unhealthy and physically taxing work or work that negatively affects their moral and proper upbringing. It also outlaws minors from working in underground mines. The Labor law further states that women and children under 18 years of age are only permitted to work during the day except those involved in fields where exceptions apply, such as nursing or domestic service.[245]

Prostitution is legal in Bolivia for individuals over 18.[246] Although child prostitution is outlawed, enforcement is poor and police raids are ineffectual and easily avoided.[247] Bolivian law prohibits forced labor.[248] All forms of pornography are illegal under Bolivian law.[249]

The Government of Bolivia ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment on June 11, 1997.[250]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Due to frequent changes in Bolivia's Cabinet of Ministers, the Inter-Institutional Commission on the Eradication of Child Labor was slow to develop, but in July 2000 the commission began to meet on a regular basis.[251] In December 2000, the commission completed a National Plan on the Progressive Eradication of Child Labor 2000-2010 that was approved by Bolivia's Congress. The plan proposes combined efforts from the public, private, nongovernmental organization (NGO), and local community sectors to address all forms of child labor by offering children financial, health, and recreational opportunities, and by providing families with economic alternatives.[252]

In 1996, Bolivia became a member of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). The U.S. Department of Labor has provided funding to support an IPEC project to progressively eliminate child labor in small-scale traditional mining in the Andean region. The local NGOs Centro de Desarrollo Regional (CDR), Medioambiente Minera y Industria (MEDMIN) and Centro de Promoción Minera (CEPROMIN) are implementing this project, which aims to remove 2,000 children and adolescents from

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[245] Ley General del Trabajo: Eleva a Rango de Ley, Capitolo VI, Articulos, 58-61 (www.bizinfonet.com/bolivia-pensions/laws/leytraba.htm).

[246] U.S. Embassy-La Paz, unclassified telegram no. 003434, August 4, 2000 [hereinafter unclassified telegram, 003434].

[247] Ibid.

[248] Ley General de Trabajo, Decreto Reglamentario, Codigo Procesal del Trabajo, Decreto ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942, Capitulo IV, Del Contrato de "Enganche," U.P.S. editorial, La Paz, Bolivia, 69.

[249] Unclassified telegram, 003434.

[250] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[251] U.S. Embassy-La Paz, unclassified telegram no. 003284, July 28, 2000.

[252] U.S. Embassy-La Paz, unclassified telegram no. 00517, December 4, 2000.

hazardous mining work and prevent 1,000 others from entering the sector through education, health, and vocational services.[253] IPEC also supports a project to progressively eradicate urban child labor in the capital city of La Paz.[254]

Defense for Children International (DNI), supported by the Bolivian arm of the Global March to Eliminate Child Labor, develops and publishes pamphlets on the current state of working children in Bolivia.[255] DNI's goal is to raise the awareness of authorities and the business community about the adoption of measures in favor of children's rights.[256]

Local NGOs, such as Environmental Development Action in the Third World (ENDA), are developing projects and strategies that aim to remove working children from hazardous environments and place them in schools. ENDA recently developed a project that provides micro credits and skills training to the families of working children to help them overcome dependence on income earned through the labor of their children and, at the same time, to increase the productivity and income of these families.[257] Similarly, the local NGO Qharuru has developed a holistic service center for shoe shiners and working street children.[258] Now in its 15th year, the center supports and collaborates with government-run night schools created for working minors, and offers various types of support such as health services for working children.[259]

Since 1997, the Private Workers Confederation of Bolivia (CEPB) has been working in conjunction with the ILO to provide occupational training to working adolescents, with the goal of placing these adolescents in the local labor sectors.[260]

b. Educational Alternatives

The Constitution of Bolivia proclaims the provision of education as a principal responsibility of the state and establishes free, compulsory primary education for 8 years. Basic primary education is free and compulsory for a minimum of 8 years for children aged 6 to 14.[261] The Child and Adolescent Code outlines the government's responsibility to honor the educational

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[253] U.S. Department of Labor, International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), *Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America*, ILO-IPEC project document, 1999, 11 [document on file].

[254] ILO-IPEC and Environmental Development Action in the Third World (ENDA), Bolivia, Intermediate Evaluation, *Erradicación Gradual del Trabajo Infantil en Niños y Niñas Trabajadores de la Calle de la Ciudad de El Alto*, February 2000 [document on file].

[255] *Trabajo infantil en los países Andinos*.

[256] *El Tiempo*, "Crece explotación laboral a menores en Bolivia" [online], Honduras, March 20, 1998 (www.casa-alianza.org/ES/human-rights/labor-exploit/press/98032o.shtml).

[257] Interview with Oscar Saavedra, program coordinator, ENDA, by U.S. Department of Labor official, El Alto, November 9, 2000.

[258] Quaruru, *Proyecto de erradicación progresiva del trabajo infantil en La Paz, Bolivia* (La Paz, Bolivia: Dierpre Publicaciones), December 1999.

[259] *Programa de fortalecimiento eucativo de niños trabajadores lustrabotas*, Quaruru.

[260] *Trabajo infantil en los países Andinos* at 26.

[261] UNESCO, *La EPT Evaluación 2000*, Informes de País, Bolivia, Parte II: Sección Analitica, 3.1, *En la estructura curricular* (www2.unesco.org/wef/countryreports/bolivia/rapport_1.html) [hereinafter *La EPT Evaluación 2000*].

rights of Bolivian children.[262] The government is responsible for providing basic education to adolescents and adults who were not able to attend school with their cohort age groups during the regular primary school years.[263] The code also outlines the government's responsibility to provide adolescents with easy access to school and with curricula designed and adapted for working adolescents.[264]

The Child and Adolescent Code calls upon the government to take steps to reduce school desertion rates, to build schools where they do not exist, to adapt the school calendar and attendance schedule to local realities, and to raise awareness within communities and among parents about the importance of registering children for school and maintaining their regular attendance. The code further stipulates that the Government of Bolivia must provide primary school students with school materials, transportation, meals, and medical services.[265]

The General Labor Law requires any employer who has hired more than 30 school-aged children (typically between the ages of 6 and 14) to provide them with a school if there is not a public school available. In the case of employers who have hired fewer than 30 school-aged children, they are expected to work together to provide a community school for all working children in the area to attend.[266]

According to the Law of Popular Participation (1994), municipal governments are responsible for providing, maintaining, enlarging, and relocating as needed, school infrastructure, furniture, equipment, and instructional materials. The municipal governments receive funding for such activities, but most have not yet met this responsibility.[267]

During the 1990s, Bolivia's Educational Reform Program developed the System for Measuring the Quality of Education (SIMECAL). SIMECAL is used to evaluate students' academic performance and identify factors that influence it. Indicators drawn from SIMECAL measurements are used to coordinate improvements in education quality within the national educational system.[268]

In 2000, the Vice-Ministry of Gender Affairs designed a second phase (2001-2004) of its Scholarization of Child Workers program (PENNT), which targets children between the ages of 7 and 12.[269] PENNT provides in-kind contributions to children, in the form of materials, food,

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[262] Codigo del Niño, Niña y Adolescente: Ley número 2026 del 27 de octubre de 1999, U.P.S. editorial, La Paz, Bolivia, 2000, 37.

[263] Ibid.

[264] Ibid.

[265] Ibid. at 38.

[266] Ley General del Trabajo, Decreto Reglamentario, Codigo Procesal del Trabajo, Decreto Ley de 24 de mayo de 1939, elevado a rango de Ley el 8 de diciembre de 1942. U.P.S. editorial, La Paz, Bolivia, 2000.

[267] *La EPT Evaluación 2000* (www2.unesco.org/wef/countryreports/bolivia/rapport_1.html).

[268] SIMECAL measurements include access to primary education; dropout and grade repetition rates; efficiency and performance; public expenditure on education; human teaching resources; academic levels of primary school teachers; and student-teacher interaction. See *La EPT Evaluación 2000*.

[269] *Solicitud de Cooperación*.

and financial aid.[270] The main objectives of the program are to strengthen Bolivia's educational institutions and pedagogical training centers, promote family and community participation, improve the target group's access to quality health services, and raise awareness at the local and national level about the dangers of child labor and the importance of education.[271] This program functions in four of the country's main urban centers, with the long-term objective of promoting equality and enhancing human capital, thereby contributing to Bolivia's economic and social progress.[272]

The Government of Bolivia's Vice-Ministry of Alternative Education has created the Alternative Youth Education (EJA) program, which targets girls, street children, children and adolescent workers, and at-risk youth. The program is designed to keep children and adolescents in school by offering them night classes with specially designed curricula that are flexible and adapted to the population's specific needs.[273] These curricula include coursework in basic market skills and democratic principles, the latter of which teaches children about their rights as citizens.[274]

Spending by the Government of Bolivia on education has ranged from between 4.9 and 5.9 percent of gross national product (GNP) from 1994 to 1996.[275] Public spending dedicated to primary education as a percentage of GNP had ranged from 1.62 percent to 2.37 from 1990 to 1999.[276]

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[270] Naomi Westland, "Working Children Denied Education," *The Bolivian Times* [document on file] [hereinafter "Working Children Denied Education"].

[271] *Solicitud de Cooperación*.

[272] "Working Children Denied Education."

[273] Ministerio de Educatión, Cultura y Deportes, Vice-Ministerio de Educación Alternativa, *Boletin Informativo del Proyecto Curricular de la Escuela Nocturna-EJA*, Año 2-No, 2-Enero 1999.

[274] Ministerio de Educatión, Cultura y Deportes, Vice-Ministerio de Educación Alternativa, *Nuevos Programas de la Escuela Nocturna: Fase Validación*, La Paz, febrero de 1999.

[275] *World Development Indicators 2000*.

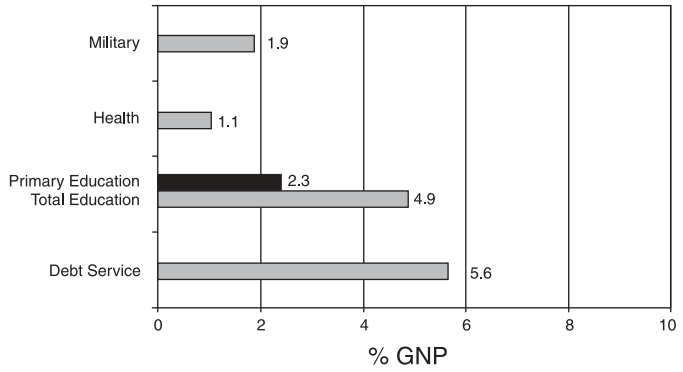
[276] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Bolivia (Paris, 2000).

[277] *See* Chapter 1, Section C, 5 for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[277]

Selected Government Expenditures as a Percentage of Bolivia's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

BRAZIL

1. Child Labor in Brazil

In 1999, UNICEF estimated that 11 percent of children between the ages of 5 and 15 in Brazil were working.[278] Girls accounted for about one-third of these working children, and boys for about two-thirds.[279] More children work in northeastern Brazil than in any other region.[280] Working children are particularly common in rural areas. In 1999, an estimated 57.5 percent of working boys and 52 percent of working girls between the ages of 5 and 15 lived in rural regions.[281]

The incidence of working children in Brazil declined throughout the 1990s.[282] Official Brazilian sources show that the number of working children between the ages of 5 and 9 fell from 3.2 percent (519,000) of children in this age group in 1995 to 2.4 percent (375,000) of children in 1999.[283] Data from the International Labor Organization (ILO) indicate that labor force participation among 10 to 14-year-olds also diminished throughout the 1990s. Whereas in 1990 almost 18 percent of children between the ages of 10 and 14 were economically active, by 1998 that rate had decreased to approximately 15 percent.[284]

Comparison over time of children's labor force participation for Brazil during the 1990s is complicated by a recent change in the country's child labor law. In 1998, the government raised the legal minimum age for work from 14 to 16.[285] As a result of this change, approximately 1.8 million children in the 14- and 15-year age groups who previously could be employed legally under the law were now considered to be working illegally.[286]

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[278] According to the survey, 3.8 million children were working. Instituto Brasileiro de Geografia e Estatistica, Pesquisa Nacional por Amostra de Domicilios, PNAD – 1999, as cited in UNICEF, Brasil, *Indicadores sobre criancas e adolescents: Brasil 1990-1999,* UNICEF/IBGE 2001 Fundo das Nacoes Unidas para a Infancia – UNICEF, Tabelas 9 and 153, p.38, 220. Statistics for Brazil generally employ the term "minors" to refer to anyone below age 12 and the term "adolescents" to refer to anyone between ages 12 and 18. *See* Estatuto de Crianca e Adolescente, Livro I, Parte Geral, Titulo I: Das Disposicoes Preliminares, at http://www.ibge.gov.br/ibgeteen/estatuto/estatuto.html.

[279] Ministry of Labor and Employment tabulations derived from data collected through the National Statistics Agency, 1999, Household Survey, Ministerio do Trabalho e Emprego, *Quantitativo dos ocupados na semana de referencia,* PNAD, 1999, September 26, 2001.

[280] Ibid.

[281] Ibid.

[282] Instituto Brasileiro de Geografia e Estatistica; cited September 28, 2001 (www.ibge.gov.br/ibge/estatistica/populacao/trabalhoerendimento/pnad99/coment99.shtm).

[283] Ibid.

[284] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[285] U.S. Embassy-Brazil, unclassified telegram no. 001439, September 18, 2000 [hereinafter unclassified telegram no. 001439].

[286] Simon Schwartzmann, "Trabalho infantil no Brasil" (ILO, 2001), 51.

In 1999, approximately 80 percent of working children between the ages of 5 and 9 were involved in agricultural activities.[287] Children work on orange, sugar cane, and sisal plantations.[288] The Public Ministry of Labor (PGM) reports that most child and adolescent laborers are not paid for their work.[289] Of those minors that are paid, 90 percent receive less than the national minimum wage.[290]

Working children are also found in the shoe, logging, mining and charcoal industries and in other traditional sectors of the Brazilian economy.[291] It is estimated that there are 800,000 girls between the ages of 10 and 17 working as domestic servants.[292] In 1999, the United Nations Children's Fund (UNICEF) estimated that 50,000 children nationwide were scavenging in garbage dumps.[293]

Sexual exploitation of children occurs throughout the country. The Information Network for Violence, Exploitation and Sexual Abuse of Children and Adolescents (CECRIA) released a 1999 study[294] stating that in the northern Amazonian region, sexually exploited children commonly work in brothels that cater to mining settlements. The report also found that in larger cities, many girls who have suffered sexual abuse at home turn to the streets and prostitute themselves to survive. Along the northeast coast, sexual tourism is prevalent and involves networks of travel agents, hotel workers and taxi drivers.[295] In river port cities, the commercial sexual exploitation of children is largely based on demand from ships' crews.[296]

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[287] Instituto Brasileiro de Geografia e Estatistica (www.ibge.gov.br/ibge/estatistica/populacao/trabalhoerendimento/pnad99/coment99.shtm).

[288] Brazil-Brasil, "Toil for Tots: Low Wages and Unemployment Are Mainstream Concerns in Brazilian Society, but Their Most Painful Sign Is the Exploitation of Child Labor," *Coming to Grips with Child Work: Brazilian Children*, July 1998, as cited September 26, 2001 (www.brazil-brasil.com/p24jul98.htm). See also unclassified telegram no. 001439.

[289] The Public Ministry of Labor is an independent government agency created by the 1988 Constitution charged with promoting the enforcement of labor laws. Xisto Tiago de Medeiros Neto, O Procurador-Geral do Trabalho, *Diario de Natal*, Opiniao, *A crueldade do trabalho infantile*, October 21, 2000 (www.pgt.mpt.gov.br/noticias/noticia17.html).

[290] Ibid.

[291] International Confederation of Trade Unions (ICFTU) website, Internationally Recognised Core Labor Standards in Brazil, *Report for the WTO General Council Review of Trade Policies of Brazil* (Geneva, October 25 and 27, 2000, October 27, 2000, Brussels) (www.icftu.org/displaydocument.asp?Index=991211582&Language=EN&Printout+Yes).

[292] Haim Grunspun, O Trabalho das Crianças e dos Adolescentes, Editora LTR (São Paulo, Brazil), 2000, 44.

[293] *Country Reports on Human Rights Practices for 1999* (Washington, D.C., U.S. Department of State, 1999) (www.state.gov/www/global/human_rights/1999_htp_report/), Section 5 [hereinafter *Country Reports 1999—Brazil*].

[294] The CECRIA study related patterns of sexual exploitation of minors to Brazil's varied regional economic and social structures. CECRIA website, *A exploracao comercial sexual de meninos, meninas e adolescentes na America Latina e Caribe* (*Relatorio Final—Brasil*), second edition. Brasilia, Brasil, 1999, Section 1.4 (www.cecria.org.br) [hereinafter CECRIA website].

[295] CECRIA. A Exploração Comercial Sexual de Meninos, Meninas e Adolescentes Na America Latina e Caribe. (Relatorio Final – Brasil), Fourth Edition (Brasilia, Brasil), 2001, 39 [hereinafter CERCIA].

[296] Ibid.

Trafficking of children for the purpose of prostitution continues to be a problem in Brazil.[297] CECRIA reports that Brazil's sexual tourism industry actively recruits children and traffics them outside of the country. Trafficking has developed in part to meet the demands of foreigners, but the local population also sustains it.[298]

2. Children's Participation in School

Basic and intermediate education (grades 1–8) is free and compulsory for children 7 years of age and older. The Brazilian Constitution directs the government to make education available to all children and adolescents, including those who were not able to attend school with their appropriate cohort age group.[299]

In 2000, the annual school census indicated that Brazil had achieved an educational coverage capacity which guaranteed school access to all children between the ages of 7 and 14, and to most of the 15–17-year age group.[300] Primary school net enrollment rates increased more than 10 points, from 86.8 percent in 1990 to 97.1 percent in 1997.[301] In 1990, the primary school net enrollment rate for females was 84 percent, and increased to 94.3 percent in 1997.[302] Similarly, the primary school net enrollment rate for boys in 1990 was 89.6, which increased to 99.9 in 1997.[303] Brazil has already surpassed its Education for All target of 95 percent net primary school enrollment by 2003.[304]

Primary school gross enrollment rates also increased during the 1990s. In 1990, the rate was 106.3 percent and increased to 124.6 percent in 1997.[305] Between 1990 and 1995, 71 percent of primary school entrants reached grade five.[306] While enrollment statistics indicate an upward trend, fewer children are actually attending school. In 1996, the gross primary attendance rate was 68.2 percent, and the net primary attendance rate was 58.3 percent.[307]

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[297] *Country Reports 1999—Brazil* at 28.

[298] CERCIA , 39.

[299] Education Law. Decree No. 3,772. March 14, 2001. Seção II, Dos Orgãos Específicos singulars, Artigo 8. Also see Estatuto da Criança e do Adolescente. Titulo II, Capitulo IV – Do Direito à Educação, À cultura, Ao Esporte E al Lazer. Artigos 53 - 54.

[300] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Education for All (EFA) 2000 [online], Country Report, Brazil (www2.unesco.org/wef/countryreports/brazil/contents.html) [hereinafter EFA 2000].

[301] *World Development Indicators 2000*, "Table 5: "Primary School Net Enrollment Rate by Country: 1989 to 1997."

[302] Ibid. at Table 6: "Primary School Net Enrollment Rate by Country and Sex: 1989 to 1997."

[303] Ibid.

[304] EFA 2000 (www2.unesco.org/wef/countryreports/brazil/contents.html).

[305] *World Development Indicators 2000* at Table 3: "Primary School Gross Enrollment Rate by Country: 1989 to 1998."

[306] United Nations Children's Fund (UNICEF), *The State of the World's Children 2000* (www.unicef.org/sowc00/stat6.htm).

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

Regional differences regarding access and quality are dramatic but somewhat less so since government efforts to expand the education system during the 1990s has been greater throughout the north and northeast than the national average.[308]

3. Child Labor Law and Enforcement

The Brazilian Constitution and the 1990 Statute on Children and Adolescents (ECA) provide the legal framework that defines and implements children's rights policy in Brazil.[309] The Constitution specifies 16 years as the legal minimum working age and 14 years as the legal minimum apprenticeship age.[310] Children or adolescents under the age of 18 are prohibited from participating in night work and activities that risk their psychological, social, or moral development.[311]

The ECA defines and protects the rights of minors and establishes a structure for the implementation of such rights.[312] The Ministry of Labor and Employment (MLE) is the government agency responsible for training inspectors to determine work site violations according to the definitions of the ECA.[313] The inspection of child labor policy is directed by a special core group, which specifically focuses on the elimination of child labor. This group is present in each of Brazil's 27 states and is responsible for developing plans of action and providing data to inform inspection activities.[314] In practice, most inspections are reactive rather than proactive, and occur in response to allegations and tips brought to regional offices of the MLE by workers, teachers, unions, nongovernmental organizations (NGOs), and the media.[315]

Employers that violate Brazil's child labor laws are subject to fines of approximately US$223, although repeat offenders may be subject to fines equal to twice this amount. Initial levying of fines, however, generally occurs only after several violations.[316]

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[308] EFA 2000 (www2.unesco.org/wef/countryreports/brazil/rapport_1.html).

[309] *O Ministerio Publico do Trabalho na Erradicacao do Trabalho Infantil e na Protecao do Trabalho do Adolescente* (www.pgt.mpt.gov.br/trabinfantil/atuacao.html).

[310] These standards were raised from 14 and 12, respectively, after a 1998 amendment. Unclassified telegram, 9/18/00. Because mandatory schooling ends at age 14 and the minimum legal age for work is 16, the government, businesses, and civil society are attempting to address this difference by promoting more apprenticeships for 14- and 15-year-olds. The Toy Manufacturers' Foundation for Children's Rights (ABRINQ) Foundation website, *Nova lei deve ampliar oportunidades para a formacao profissional do adolescente* (www.fundabrinq.org.br/peac/lei/texto%20FADC.htm).

[311] Ministerio Publico do Trabalho, Procuradoria Geral do Trabalho, *O Ministerio Publico do Trabalho na Erradicacao do Trabalho Infantil e na Protecao do Trabalho do Adolescente* (www.pgt.mpt.gov.br/trabinfantil/index.html).

[312] Estatuto da Crianca e do Adolescente, Lei No. 8.069, de 13 de Julho de 1990 (www.pgt. mpt.gov.br/cnti/legislacao%20-%20ECA.html) [hereinafter Estatuto da Crianca e do Adolescente].

[313] Unclassified telegram 001439.

[314] Ibid.

[315] Ibid.

[316] Ibid. In the state of Alagoas, the State Forum for the Eradication of Child Labor reports that low fines and poor fine collection contribute to a sense of impunity among many violators of child labor laws. Mark Mittelhauser, Labor attaché at U.S. Consulate, Sao Paolo, Brazil, e-mail to Sharon Heller, international analyst, Bureau of International Labor Affairs, International Child Labor Program, U.S. Department of Labor, October 10, 2001.

Article 227 of the Brazilian Constitution states that anyone who abuses, commits violent acts against, or sexually exploits a child or adolescent will be severely punished.[317] According to Articles 240 to 241 of the ECA, it is considered a crime to photograph or produce pornographic material involving children or adolescents. Punishments include incarceration between 1 and 4 years and a fine.[318]

The Brazilian Penal Code includes sanctions against any person who lures workers with the motive to transport them to another state or national territory. Violators can be fined and incarcerated from between one and three years. The punishment increases if the victim is less than 18 years of age.[319]

Brazil ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment on June 28, 2001,[320] and ILO Convention No. 182 on the Worst Forms of Child Labor on February 2, 2000.[321] A number of activities considered to be among the most hazardous by the federal Ministry of Welfare and Social Assistance (MPAS) are the following: in rural areas, the harvesting of sisal, sugar cane, cotton, tobacco and citrus; the production of wood, brick, charcoal, ceramics and flour; working in salt and other mines; weaving; and fishing. Some urban sector activities include drug trafficking, trash picking, shoe shining, and commerce.[322]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Government efforts to raise awareness and develop programs to combat and prevent child labor are widespread in Brazil. The Ministry of Labor and Employment (MLE) has established a system of specialized child labor training for labor inspectors and incentives to encourage enforcement of child labor laws. The design of a more proactive approach involves strengthening links with unions, NGOs and businesses; sharing information; and developing more effective policies.[323] Efforts to reduce child labor in the MLE are led by Special Groups to Combat Child Labor, which are present in every Brazilian state. These groups collect data on child labor and help to promote labor inspection in activities with high rates of child labor.[324]

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[317] Banco de Dados Politicos das Americas, Constitution of the Federative Republic of Brazil (www.georgetown.edu/pdba/constitutions/Brazil/Brazil99.html).

[318] Estatuto da Criança e do Adolescente. Titulo VII, Dos Crimes e Das Infraçes administrativas, Capítulo I, Seção I, Artigos 240-241 (www.pgt.mpt.gov.br/cnti/legislacao%20-%20ECA.html).

[319] O Ministerio Publico do Trabalho na Erradicacao do Trabalho Forcado (www.pgt.mpt.gov.br/trabescravo/atuacao.html).

[320] For a full list of countries that have ratified ILO Convention No. 182, *see* International Labor Organization, International Labor Standards and Human Rights Department, ILOLEX online (http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C138).

[321] Ibid. (http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182).

[322] Unclassified telegram 001439.

[323] Ibid.

[324] Ibid.

On March 15, 2000, the MLE established a Tripartite Commission with the goal of defining Brazil's worst forms of child labor.[325] The commission produced a list of 82 activities to be considered "worst forms" by the Brazilian Government. The list includes such activities as harvesting citrus fruits, driving tractors, civil construction, garbage picking, cutting sugar cane, selling alcohol, and working in bars and brothels. The list produced by the Tripartite Commission led to an additional 27 activities being banned for workers between 16 and 18 years old.[326]

The ECA calls for the creation of councils in defense of the rights of children and adolescents on the federal, state, and municipal levels. Councils are comprised of both governmental and nongovernmental organizations and have contributed to raising the awareness and participation of civil society in reducing child labor.[327] Implementation of these councils has been uneven, however, and many municipalities have not instituted councils due to payroll cost considerations and a failure to prioritize the creation of such councils.[328]

MPAS launched Programa Sentinela to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation. The centers serve as clearinghouses for allegations; offer psychological, social and legal counseling; and attempt to create safer environments for victims. Sentinela currently has 40 centers and aims to have 200 by the end of 2001. Centers work with a network of NGOs and public officials to guarantee the rights of victims of abuse and of children working as prostitutes.[329]

The federal government administers more than 33 programs under five separate ministries aimed at combating child labor. To avoid duplication of efforts, the National Council for the Rights of Children and Adolescents approved a comprehensive plan incorporating data requirements, legal aspects, program coordination, education, inspection, and income generation.[330]

A new Parliamentary Investigative Commission on Sexual Tourism began functioning in September of 2001 under the direction of the city of Fortaleza's Municipal Chamber.[331]

The U.S. Department of Labor (USDOL) has contributed to a 3-year International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) regional project to combat the child domestic worker problem in Brazil, Colombia, Paraguay and Peru. USDOL has also supported a 3-year IPEC project to address the commercial sexual exploitation

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[325] Ibid.

[326] Mark Mittelhauser, Labor attaché at U.S. Consulate, Sao Paolo, Brazil, e-mail to Sharon Heller, international analyst, Bureau of International Labor Affairs, International Child Labor Program, U.S. Department of Labor, February 5, 2001 [hereinafter Mittelhauser e-mail, 2/5/01].

[327] Estatuto da Crianca e do Adolescente. See also unclassified telegram 001439.

[328] Mark Mittelhauser, Labor attaché at U.S. Consulate, Sao Paolo, Brazil, e-mail to U.S. Department of Labor official, March 05, 2001.

[329] Ibid.

[330] The various programs of the federal government to eradicate child labor are listed in the Government of Brazil's multiyear plan (PPA). *See* unclassified telegram 001439.

[331] O Povo- CE. P.18.

of minors in the border towns of Foz de Iguacu, Brazil and of Ciudad del Este, Paraguay.[332] In 1999, USDOL provided funds to ILO-IPEC to begin a statistical survey of child labor through the Statistical Information and Monitoring Program on Child Labor (SIMPOC). The survey will be implemented by the Brazilian Institute of Geography and Statistics (IBGE) in October 2001 as part of Brazil's National Household Survey and will reach approximately 120,000 households.[333]

Currently, the U.S. Agency for International Development (USAID) is funding a project that addresses child labor in the states of Recife, Fortaleza and Salvador. It targets children working in child prostitution and domestic service as well as garbage picking and street vending, and it aims to support and strengthen basic education; remove children from abusive labor; and develop scholarships and alternative income-generation opportunities for needy families.[334]

Labeling systems are also being used to combat child labor in Brazil. The Toy Manufacturers' Foundation for Children's Rights (ABRINQ) has developed a child-friendly seal to provide incentives for firms to support child-friendly policies. The seal is granted to companies that make the commitment to undertake activities that benefit children and not to employ minors. The program includes nearly 25 out of Brazil's largest 100 companies.[335] The *Pro-Child Institute* also uses social labeling in the municipalities of Birigui, Franca to indicate that footwear producers have signed agreements with suppliers requiring that they do not employ children.[336] Members pay a small fee to use the label, and the program has a monitoring component that, with the help of local students, assesses local factory practices.[337]

The federal government has formed various commissions to address issues related to child labor in Brazil. Among these is the Executive Group to Combat Forced Labor (GERTRAF), the National Forum for the Eradication of Child Labor and the Protection of the Adolescent Worker, and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor.[338]

b. Educational Alternatives

In the early 1990s, the Brazilian educational community embarked on the United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s Education for All (EFA) initiative. The project identified and targeted major shortcomings in Brazil's educational system,

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[332] USDOL-IPEC internal project document, 2000.

[333] U.S. Department of Labor, International Child Labor Program (USDOL-ICLP) internal document; Technical Cooperation Summaries 2000.

[334] *Brazil Child Labor/Education Strategy*. Notes from Child Labor Coalition Meeting, n.d.

[335] U.S. Embassy-Brazil, unclassified telegram no. 001905, December 21, 2000 [hereinafter unclassified telegram 001905]. The ABRINQ Foundation reached new agreements with the Sao Paulo state sugar producers; with Abecitrus, the citrus export organization; with shoe manufacturers in the city of Franca; and with Volkswagen and General Motors.

[336] This program will soon be implemented in the state of Rio Grande do Sul as well. See unclassified telegram 001905.

[337] Ibid.

[338] Ministerio Publico do Trabalho, Procuraduria Geral, *Comissoes*, August 8, 2001 (www.pgt.mpt.gov.br/comissoes.html).

including the age/grade gap,[339] regional differences, and deficient teacher training.[340] The National Education Guidelines and Framework Law of 1996 and Constitutional Amendment 14 provided for the legal reorganization of the Brazil's educational system.[341]

During the past five years, the Brazilian Government has been working to improve the quality of education by raising the average wage paid to teachers by 13 percent and up to 50 percent for teachers who work in the municipal school system in the country's Northeast region.[342] Teacher training is also being addressed, and over the past few years more than 225,000 teachers have received at least the minimum training required for teaching.[343]

The approval of Amendment 14 to the Constitution in 1996 created Brazil's Fund for the Maintenance and Development of Basic Education and Teacher's Valorization (FUNDEF) which began implementation in 1998.[344] The objective of FUNDEF is to correct distortions between the number of students and expenditures per student, guaranteeing a minimum investment per student and reducing regional differences.[345] Amendment 14 requires that, of the 25 percent of state and municipal fiscal revenues earmarked for education purposes, 60 percent will go specifically toward primary education. Accordingly, 15 percent of state and municipal tax revenues are required to be sent to the FUNDEF for this purpose. Sixty percent of FUNDEF expenditures must go toward teacher salaries.[346]

The centerpiece of the government's strategy for reducing the worst forms of child labor is its Program for the Eradication of Child Labor (PETI). PETI removes children under 15 years from hazardous work activities and promotes education as a long-term solution. The program provides cash stipends to low-income families (usually to mothers) in exchange for making sure their children remain in school and refrain from working. Since public schooling in Brazil typically occurs for four hours a day, PETI also provides extracurricular activities for participating children to ensure that they are not tempted to re-enter the work force.[347]

PETI is a joint effort by the three levels of government. Overall, MPAS provides guidelines and most of the funding, but state and municipal governments are charged with implementing the bulk of the program locally. PETI has grown from a pilot project in a few municipalities in two states in 1996 to more than 160 municipalities in 13 states by the end of 1999.[348] The number of children in the program has also risen from 3,710 in 1996 to over

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[339] The age/grade gap, or the fact that students are often older than the corresponding cohort for each grade, is caused by late entry into the school system and grade repetition. *See* EFA 2000 (www2.unesco.org/wef/countryreports/brazil/contents.html).

[340] Ibid.

[341] Ibid.

[342] Ibid.

[343] EFA 2000 (www2.unesco.org/wef/countryreports/brazil/rapport_1.html).

[344] Ibid.

[345] Ibid.

[346] Ibid.

[347] Unclassified telegram 001439.

[348] Unclassified telegram 001439. One of the major protests the Ministry of Welfare and Social Assistance (MPAS) plan has provoked from local implementers and nongovernmental organizations (NGOs) is that the program is only

600,000 by the end of 2001.[349] PETI's budget, meanwhile, has grown from US$517,500 in 1996 to US$45,880,000 in 1999. The government plans to increase PETI's range in coming years, eventually more than doubling the number of children reached, to 866,000 by the end of 2002.[350]

Bolsa Escola is the Ministry of Education's (MEC) preventive counterpart to the PETI program that aims to prevent child labor by improving access to education.[351] Bolsa Escola provides mothers with a card similar to an automated teller machine banking card that contains a fixed sum of $6 per month per child (aged 6 to 15) for a maximum of 3 children. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.[352] The MEC is responsible for overall coordination of the program, but the local municipalities are charged with its daily management and maintenance.[353] By the end of 2001, the program was already providing stipends to the families of nine million children.[354]

To address problems of overcrowding that result from high repetition rates and late entries of children into school, the Government of Brazil initiated a Program for Accelerated Learning in 1998. This program designs special classes to advance children quickly through earlier grades so that they can become enrolled in the classes that are appropriate for their age. In 1998, the program enrolled 1.2 million students in the classes.[355]

Another important national program, Merenda Escolar, seeks to promote children's access to schooling through a school lunch program. By the end of 1999, the federal government had provided approximately US$2.25 billion to support this program. In 1999, administration of the program was passed to the municipalities, granting autonomy to communities and schools to create the lunch menu.[356]

In compliance with a constitutional provision, Congress approved a National Education Plan which raised the portion of the gross domestic product (GDP) of the budget earmarked for

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able to fund children up to the age of 14, which is short of the legal working age. The PETI and minimum income program has yet to incorporate these children into their plans.

[349] Mittelhauser e-mail, 2/5/01. *See also* U.S. Embassy-Brazil, unclassified telegram no. 00370, April 2, 2002 [hereinafter unclassified telegram 00370].

[350] Unclassified telegram 001439.

[351] This initiative was developed in a number of municipalities and was adopted in 2001 at the federal level as part of Project Dawn. Mark Mittelhauser, Labor attaché at U.S. Consulate, Sao Paolo, Brazil, telephone conversation with Sharon Heller, international analyst, Bureau of International Labor Affairs, International Child Labor Program, U.S. Department of Labor, October 9, 2001.

[352] Mark Mittelhauser, Labor attaché at U.S. Consulate, Sao Paolo, Brazil, e-mail to Sharon Heller, international analyst, Bureau of International Labor Affairs, International Child Labor Program, U.S. Department of Labor, October 9, 2001 [hereinafter Mittelhauser e-mail, 10/9/01].

[353] Ibid. The ILO in Brazil reports that many municipal Bolsa Escola programs have successfully reduced poverty and increased school attendance, but no evaluation has yet been performed on the federal MEC Bolsa Escola program. Child Labor News Service (www.globalmarch.org/clns/clns-15-5-2001.htm), *Brazilian Project Could Be Model for Africa*.

[354] Unclassified telegram 00370. Local experts have expressed concern, however, about the likely effectiveness of the program due to its rapid implementation, the low value of the stipend, and the lack of comprehensive oversight by the Ministry of Education; *see* Mittelhauser e-mail, 10/9/01.

[355] Educacao Brasileira: Politicas e Resultados, Ministry of Education, Brasilia, Brazil, 1999.

[356] Ibid.

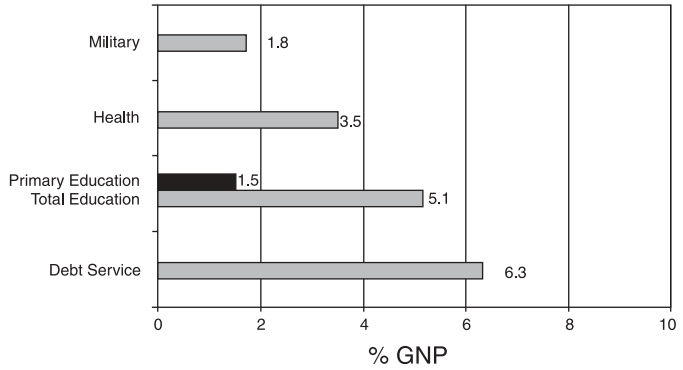
education from 5 to 7 percent, combining resources coming from the government at the municipal, state and national levels.[357] Per student, Brazil still spends less than US$350 annually.[358]

UNICEF has worked with local NGOs to develop awareness-raising campaigns to educate parents and help them to understand why education is important for their children's future.[359]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[360]

Selected Government Expenditures as a Percentage of Brazil's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

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[357] IPS World News, "Education—Brazil: Government Promises to Wipe Out Illiteracy by 2010" (www.oneworld.org/ips2/jan01/00_27_004.html).

[358] Aldo Rodriguez Villouta, "Mercosur Ministers to Formulate Social Agenda for Trade Bloc," September 21, 2000, EFE News Service (Westlaw).

[359] Patrice M. Jones, "Brazil Struggles with Child Labor," *Chicago Tribune*, June 25, 2000.

[360] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

CAMBODIA

1. Child Labor in Cambodia

In 1998, the International Labor Organization (ILO) estimated that 24.1 percent of children between the ages of 10 and 14 in Cambodia were working.[361] The 1999 Cambodia Socioeconomic Survey estimated that 313,811 children between the ages of 5 and 14 worked within or outside households in the production of goods and services.[362] Rates of participation increase with the child's age. In 1999, an estimated 4.5 percent (71,601) of children between the ages of 5 and 9 and 14.9 percent (242,210) of children between ages 10 and 14 were economically active.[363] Beginning at around the age of 12, the percentage of economically active girls begins to outnumber that of boys. Whereas approximately one-half of all girls between the ages of 14 and 17 work, only one-third of boys in the same age group work.[364] The Cambodia Human Development Report (CHDR)[365] found that the incidence of working children between the ages 10 and 13 declined between 1997 and 1999. The CHDR speculates that this may relate to improved access to primary education, particularly in rural areas.[366]

Many children work long hours and do not attend school. In 1999, approximately 65,000 children aged 5 to 13 years worked over 25 hours a week and did not attend school.[367] The Cambodia Socioeconomic Survey (CSES) found that in 1999 the average working child between the ages 5 and 9 worked almost 33 hours per week. Working children between the ages of 10 and 13 worked an average of 37 hours, while working children between the ages of 14 and 17 worked an average of 47 hours per week.[368]

The rural labor force participation rates for children are much higher than those of urban children, in large part because of the greater access to education and higher standards of living in

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[361] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[362] *Report on the Cambodia Socioeconomic Survey 1999* (Phnom Penh: National Institute of Statistics, Ministry of Planning, 2000), 39 [hereinafter *Cambodia Socioeconomic Survey 1999*].

[363] Ibid. at 40.

[364] *Cambodia Human Development Report 2000: Children and Employment* (Phnom Penh: Ministry of Planning, 2000), 29 [hereinafter *Cambodia Human Development Report 2000*].

[365] The report was compiled by using data from the Cambodia Socioeconomic Survey conducted in 1999. Due to the methodology (a two-round survey with only 3,000 households per round) and the general scope of the survey, it does not provide adequate information on some forms of child labor, particularly worst forms such as prostitution, and hidden sectors such as domestic work, and may therefore underestimate the magnitude of child labor in the country. See comments on the reliability of the data in *Rapid Assessment Report: Child Labor on Rubber Plantations in Kampong Cham Province, Cambodia* (Phnom Penh: ILO-IPEC, January 2000), 8 [hereinafter *Rapid Assessment Report*].

[366] *Cambodia Human Development Report 2000* at 35-36. Other experts dispute this finding, claiming that there are still an insufficient number of teachers to meet educational needs. Interview with Mar Sophea, national program manager, ILO-IPEC Cambodia, by U.S. Department of Labor official, October 17, 2000 [hereinafter Sophea interview, 10/17/00]. *See also* interview with Mom Thany, CRC Senior Advisor for Redd Barna Cambodia, by U.S. Department of Labor official, October 19, 2000.

[367] *Cambodia Human Development Report 2000* at 57.

[368] Ibid. at 32.

urban areas.[369] In rural areas, approximately 277,000 children between the ages of 5 and 14 worked in 1999, while in urban areas, almost 31,000 worked.[370]

The vast majority of working children in Cambodia are found in the agriculture, forestry and fishing industries. Ninety-two percent of working children aged 10 to 13 and 86 percent of children ages 14 to 17 work in these sectors. Of working children ages 10 to 13 and ages 14 to 17, 7.4 percent and 10.4 percent, respectively, work in the trade and manufacturing sector (including brick making and salt production), and services and construction industries comprise 0.7 percent of workers ages 10 to 13 and 2.9 percent of working children ages 14 to 17.[371] Children have been found working in hazardous conditions, including construction, domestic servitude, plantation work, salt production, stone cutting and fish processing, and as porters or street vendors.[372] There have also been reports of children working in brick and plywood factories, in salt production, in sawmills and small family enterprises, and on rubber plantations.[373]

In the formal sector, children working on rubber plantations in Kampong Cham, in central Cambodia, assist their families by collecting latex, preparing trees for production, and performing other light tasks. They are exposed to diseases, including malaria, and may incur minor injuries, such as cuts and bruises.[374]

Children work in the salt fields in the southern province of Kampot. They carry heavy loads in hot weather for long hours and suffer foot injuries from walking on the salt. [375] Children in Sihanoukville, in southern Cambodia, work in the shrimping industry, as fisherman, and as shrimp processors.[376] There are also reports that children work in shoe factories in Sihanoukville.[377]

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[369] *Cambodia Socioeconomic Survey 1999* at 39.

[370] Ibid. at 40.

[371] *Cambodia Human Development Report 2000* at 33-34. Despite a high-profile allegation of child labor in a garment factory in October 2000, sources generally agree that there are few children in the Phnom Penh garment factories below the legal working age of 15. For example, see *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, February 2001), Section 6d [hereinafter *Country Reports 2000—Cambodia*]. See also *Situation of Human Rights in Cambodia: Report of the Secretary-General for Human Rights in Cambodia, Mr. Peter Leuprecht, submitted in accordance with resolution 2000/79*, U.N. Document E/CN.4/2001/103 (Geneva: 57th Session of the Commission on Human Rights, January 24, 2001), 20.

[372] *Situation of Human Rights in Cambodia: Report of the Secretary-General*, U.N. Document A/52/489 (Geneva: 52nd Session of the General Assembly, October 17, 1997), Point 167.

[373] Information based on a 1996 ILO-IPEC survey, as cited in U.S. Embassy-Phnom Penh, unclassified telegram no. 001077, June 12, 2000.

[374] *Rapid Assessment Report* at 10-13.

[375] *Child Labor and Salt Production in Kompot Province, Cambodia: A Situation Analysis of Rapid Assessment Findings* (Phnom Penh: ILO-IPEC, May 2000).

[376] "Life at Sea for a 16-Year-Old Fisherman," and "Toiling in a Factory—Vann Doeun, 12, Shells Shrimps," *Bamboo Shoots—English Summary* (Phnom Penh: Redd Barna, no. 6, 1999), 2-4.

[377] Interview with Cambodian labor union leaders of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), NIFTUC, CFITU, CUF, and CLO, by U.S. Department of Labor officials, October 24, 2000.

In the informal sector, children work as garbage pickers, prostitutes, domestic servants and porters. The director of the Vulnerable Children Assistance Organization (VCAO) asserts that more than 100 children per day search for recyclable material at the municipal dump in Stung Meanchey.[378] The CHDR 2000 reports that about 1,000 street children, either living alone or with their families, engage in begging, shoe polishing and other income generating activities, and are particularly at risk of drug use or prostitution.[379] The CHDR 2000 conservatively estimates that at least 6,500 children work as domestic workers in Phnom Penh alone.[380] Most of these children are girls between the ages of 12 and 15 and are from remote provinces. Many have never attended school.[381]

Children are used as porters to haul goods back and forth across the border with Thailand. It is estimated that every day over 300 Cambodian children cross the border illegally, carrying goods in order to help traders avoid import taxes. They haul heavy loads of up to 60 kilos—often more than their own body weight—and face immediate punishment from border guards if they are caught.[382]

Many children reportedly are also involved in prostitution. A 1997 government report found that of approximately 15,000 prostitutes working in brothels nationwide, 15.5 percent were children below the age of 18.[383] An estimated 30 percent (5,000) of sex workers in Phnom Penh are girls under the age of 18.[384] Overall, the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) estimates that approximately one-third of Cambodia's 55,000 prostitutes are children.[385] There are reports that children are held in debt bondage as commercial sex workers until they work off the loans provided to their parents. Some parents report that they are tricked into sending their daughters to the cities.[386]

Cambodia is reported to be a country of origin, transit and destination for trafficking in persons for the purposes of prostitution, work and begging.[387] In 2000 alone, the International Office of Migration assisted in the repatriation of 247 Cambodian children under the age of 18

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[378] Chea Pyden, "Garbage Collection Children," in *Child Workers in Asia*, vol. 16, no. 1, 2000. (www.cwa.tnet.co.th/vol16-1/vcaocambodia.htm).

[379] *Human Development Report 2000* at 39.

[380] Ibid. at 41.

[381] Chea Pyden and Un Chanvirak, "Child Labor in Cambodia," from the *Fifth Regional Consultation of Child Workers of Asia on the Asian Economic Crisis* (www.cwa.tnet.co.th/booklet/cambodia.htm). The NGO "Friends" (Mith Samlanh) states that the overwhelming majority of these street children are boys.

[382] "Poverty Fuels Thriving Child-Labor Market in Cambodia," *Asian Economic News* (Kyodo News International, Inc., October 11, 1999).

[383] *Report on the Problem of Sexual Exploitation and Trafficking in Cambodia* (Phnom Penh: Commission on Human Rights and Reception of Complaints of the National Assembly, May 1997), 2, 6. The commission noted that this was a minimum estimate, as it did not cover all districts or include commercial sex workers employed in other venues such as massage parlors and karaoke bars.

[384] *Human Development Report 2000* at 36.

[385] Sophea interview, 10/17/00.

[386] *Human Development Report 2000* at 37.

[387] Ibid at 38. The report notes that most trafficking for prostitution occurs internally. *See also* Annuska Derks, *Trafficking of Cambodian Women and Children to Thailand* (Phnom Penh: International Organization for Migration and Center for Advanced Study, October 1997). For qualitative information on patterns of trafficking,

from Thailand.[388] The majority of Cambodian children who are trafficked to Thailand to work as beggars are young boys.[389] According to the international nongovernmental organization (NGO), Redd Barna, at least 40 children, who were sold by traffickers, are turned over to Cambodian authorities by the Thai police every day.[390]

2. Children's Participation in School

Articles 65 and 68 of Cambodia's Constitution provide for 9 years of free schooling to all citizens, but there are no compulsory education laws.[391] Educational opportunities are limited. Primary school attendance rates are unavailable for Cambodia, but it is reported that over 20 percent of children aged 6 to 11 are not in school.[392] While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[393] According to the Ministry of Education, Youth and Sports (MOEYS), enrollment in primary school has stayed relatively steady at roughly 85 percent from 1996 to 1999. Enrollment in grades 6 to 9, however, has declined from 23 percent in 1996 to 14.4 percent in 1999.[394] In 1996, 49 percent of children enrolled in primary school reached grade five.[395]

Only one-half of Cambodia's primary schools provide a full six years of instruction.[396] Moreover, a 1999 Ministry of Education, Youth and Sports (MOEYS) report noted that 28 districts are without a lower secondary school, and many children, especially girls, do not have access to secondary schools.[397] The lack of dormitories in towns with schools makes it impossible for children of both genders from outlying areas to attend those schools.[398]

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see Annuska Derks, *Trafficking of Vietnamese Women and Children to Cambodia* (Phnom Penh: International Organization for Migration and Center for Advanced Study, March 1998). *See also* Annuska Derks, *Trafficking of Cambodian Women and Children to Thailand* (Phnom Penh: International Organization for Migration and Center for Advanced Study, October 1997). *See also* Kritaya Archavanitkul, *Trafficking in Children for Labour Exploitation including Child Prostitution in the Mekong Sub-region* (Bangkok: ILO-IPEC and the Institute for Population and Social Research of Mahidol University, July 1998).

[388] Lauren Engle, coordinator, external relations and information/trafficking focal point of the International Organization for Migration, Washington, D.C., office, e-mail to U.S. Department of Labor official, April 17, 2001.

[389] *Cambodia Human Development Report 2000: Children and Employment* (Phnom Penh: Ministry of Planning, 2000), 38.

[390] "Poverty Fuels Thriving Child-Labor Market in Cambodia," *Asian Economic News* (Kyodo News International, Inc., October 11, 1999). *See also* Mary Ann Guzman and Yang Daravuth, *Study on the Current Programmes, Existing Mechanism of Coordination, Cooperation and Networking among Relevant NGOs and Provincial Government Departments Working on the Issue of Trafficking and Sexual Exploitation of Children* (Phnom Penh: Cambodian National Council for Children, January 1999), 25 [hereinafter *Study on the Current Programmes*].

[391] Interview with the director of the Nonformal Education Department of the Ministry of Education, Youth, and Sports (MOEYS), by U.S. Department of Labor official, October 17, 2000 [hereinafter MOEYS interview].

[392] MOEYS data, as cited in U.S. Embassy-Phnom Penh, unclassified telegram no. 001719, September 12, 2000.

[393] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[394] MOEYS data, as cited in U.S. Embassy-Phnom Penh, unclassified telegram no. 001719, September 12, 2000.

[395] *World Development Indicators 2000*.

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

Girls are under-represented at all levels of education. Only 45 percent of girls are enrolled at the primary level and 40 percent at the lower secondary school level. Dropout rates for females are twice those of males.[399] Forty-two percent of girls over age 15 have never attended school, compared with 21 percent of boys. Among the factors frequently cited are long distances to school facilities and resulting safety concerns, lack of sanitary facilities, and the societal expectation for girls to take care of siblings while their parents work.[400] Education is often inaccessible to minority groups, as classes are conducted only in Khmer, and promotion rates to the second grade for children in minority regions are significantly lower than the national average.[401]

3. Child Labor Law and Enforcement

Cambodia's Labor Law contains various provisions related to child labor. The minimum work age is 15, though children between the ages of 12 and 15 may do light work that is not hazardous and that does not affect regular school attendance or participation in other training programs. Lists of working children below the age of 18 must be kept by employers and submitted to the labor inspector. These children must have their guardian's consent in order to work. Employers who violate these laws may be fined 31 to 60 days of the base daily wage.[402] In many cases, however, the precise age of young workers is difficult to determine because registering births in Cambodia is not a widespread practice.[403] Underage workers are known to secure employment by providing false identification papers or offering bribes to recruiters.[404]

The Labor Law prohibits hazardous work for people under the age of 18, but the law does not define what constitutes hazardous work.[405] The Cambodian Labor Advisory Committee (LAC) is tasked with officially determining hazardous work for minors, but has yet to provide a list.[406]

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[397] Ibid.

[398] *Situation of Human Rights in Cambodia: Report of the Special Representative of the Secretary-General for Human Rights in Cambodia, Mr. Thomas Hammarberg, Submitted in Accordance with Commission Resolution 1998/60*, U.N. Document E/CN.4/1999/101 (Geneva: 55th Session of the Commission on Human Rights, February 26, 1999), Points 100-102 [hereinafter *Situation of Human Rights in Cambodia*].

[399] Asian Development Bank's Country Assistance Plan, 2000-2002 (December 1999), 13.

[400] *Situation of Human Rights in Cambodia,* Points 100-102.

[401] Ibid. at Point 108.

[402] Cambodian labor law, Section VIII, Articles 172-181 [hereinafter Cambodian labor law].

[403] *Committee on the Rights of the Child: Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Cambodia*, U.N. Document No. CRC/C/11/Add.16 (Geneva, June 24, 1998), Point 39.

[404] Interview with Chea Vichea, president of Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), by U.S. Department of Labor official, October 16, 2000. *See also* Sophea interview, 10/17/00.

[405] Cambodian labor law. Hazardous work is defined as "hazardous to the health, the safety, or the morality of an adolescent." Article 360 defines the base daily wage as "the minimum wage set by a joint *Prakas* [declaration] of the Ministry in charge of Labour and the Ministry of Justice."

[406] *Country Reports 2000—Cambodia* at 6d.

Prostitution and trafficking in persons are prohibited by Article 46 of Cambodia's Constitution.[407] Under the 1996 Law on the Suppression of Kidnapping and Sale of Human Beings, penalties of 10 to 20 years imprisonment are imposed on individuals who prostitute others or brothel owners and operators. The law stipulates penalties of 10 to 15 years imprisonment for traffickers and their accomplices.[408] Penalties increase under Cambodian law if the trafficking victim is a child below the age of 15. Customers of child prostitutes under age 15 face penalties of 10 to 20 years imprisonment.[409] Police crackdowns on prostitution, however, are reportedly sporadic.[410]

The Ministry of Social Affairs, Labour Vocational Training and Youth Rehabilitation (MOSALVY) is responsible for monitoring and enforcing compliance with child labor laws. The Ministry's Child Labor Unit (CLU) receives complaints and forwards them to the Minister, who designates responsibility for the investigation and application of relevant laws. The CLU's operations to date have been limited and coverage is weak in the provinces.[411]

Because the majority of Cambodia's workers are in the informal sector, the labor law effectively covers only a small fraction of the country's workers. Informal employment, such as illegal activities and work in the commercial sex industry, and family-based production such as agriculture are unregulated. Even in the formal sector, the law is inadequately enforced. Labor inspectors conduct routine inspections in some industries (such as garment manufacturing), but in many industries where child labor is prevalent (such as brick making), investigations occur only after complaints have been received.[412]

The Anti-Trafficking Office under the Ministry of Women's and Veteran's Affairs, established in September 2000, focuses on trafficking and sexual exploitation to raise awareness among government officials. It seeks to ensure that victims are protected and to study whether laws are adequately applied.[413]

Cambodia ratified ILO Convention No. 138 on Minimum Age for Employment on August 23, 1999.[414]

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[407] Constitution of Cambodia (www.cambodian-parliament.org/constitution1/constitution1.htm).

[408] Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings, as promulgated by Royal Decree No. 0296/01, Article 4.

[409] *Country Reports 2000—Cambodia* at Section 6f.

[410] See, for example, *Situation of Human Rights in Cambodia: Report of the Secretary-General*, U.N. Document A/53/400 (Geneva: Commission on Human Rights, September 17, 1998). See also *Situation of Human Rights in Cambodia*.

[411] U.S. Embassy-Phnom Penh, unclassified telegram no. 001719, September 12, 2000 [hereinafter unclassified telegram no. 001719].

[412] Unclassified telegram no. 001719.

[413] Electronic correspondence from Mar Sophea, ILO-IPEC, to U.S. Department of Labor official, March 15, 2001. See also *UN Wire*, "Cambodia: New Department to Fight Sexual Exploitation," September 19, 2000.

[414] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Cambodia became a member of ILO-IPEC in 1996 and signed a Memorandum of Understanding (MOU) with the ILO in May 1997. A national subcommittee under the Cambodian National Council for Children (CNCC) was created in 1997 and National Program of Action for Children in Cambodia has been developed.[415]

The CNCC's Five-Year Plan Against Trafficking and Sexual Exploitation of Children, 2000-2004, was adopted by the government in March 2000. It establishes specific roles for various government ministries and NGOs in several main areas: prevention through awareness raising at various levels, and protection through strengthening the legal system and through provision of services to victims, recovery, and reintegration.[416]

Various anti-child-labor activities are under way in Cambodia. MOSALVY works with the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM) to return trafficked Cambodian children to their homes and repatriate trafficked foreign children to their home countries.[417] World Vision operates a joint project with the Ministry of Interior (MOI), UNICEF, IOM, and Redd Barna to develop training materials and procedures for ongoing MOI police training to combat sexual exploitation.[418] Several NGOs conduct awareness raising activities on trafficking and prostitution and provide services to victims, such as providing vocational training, legal services and medical assistance, and maintaining emergency shelters.[419] An ILO-IPEC project in Kandal province aims to remove children engaged in child labor in the brick-making sector.[420]

The Cambodian Government, with support from ILO-IPEC, conducts training on child labor for labor inspectors and awareness-raising programs through radio broadcasts. Various ministries have conducted training seminars to help victims of trafficking and sexual exploitation.[421] The number of labor inspectors, however, is limited, with no more than four labor inspectors per province.[422]

In 2001, the ILO also started a first of its kind project to monitor working conditions in Cambodia's dominant garment industry. To date, the project has monitored 64 factories and uncovered only one minor instance of child labor.[423]

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[415] *National Programme of Action for Children in Cambodia, 1998-2000* (Phnom Penh: Cambodian National Council for Children, n.d.), 17. *See* also unclassified telegram, 9/12/00.

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

[417] Unclassified telegram 001719.

[418] Interview with Laurence Gray, World Vision's CEDC Program Manager, by U.S. Department of Labor official, October 17, 2000.

[419] *Study on the Current Programmes* at 7-12.

[420] Unclassified telegram 001719.

[421] Ibid.

[422] Sophea interview, 10/17/00.

b. Educational Alternatives

In 1999, the Ministry of Education, Youth and Sport (MOEYS) set a goal for 75 percent of all primary schools to have a complete range of classes through grade six by 2004. Currently less than one-half (48 percent) of schools meet this standard.[424] MOEYS outlined four main education policies in 1999: to make 9 years of basic education available country-wide and to promote literacy; to improve the quality of education; to make education relevant to society and the labor market; and to develop education subsectors such as nonformal education.[425] A Nonformal Education Department within MOEYS focuses on delivering tailored education services to meet the needs of people of all ages.[426] MOEYS also began a Priority Action Program in 10 provincial towns, whereby no fees are charged in school and books are provided on loan, but students must still provide other materials such as paper and pens.[427]

The government works with various donors and NGOs on education issues, focusing on improving the quality of education and access to primary school. ILO-IPEC is currently working with the government to create a non-formal education program for former child workers.[428] The Asian Development Bank (ADB) has funded a Basic Education Textbook project that designed and printed new primary school textbooks.[429] The ADB also supports the *Education Sector Development Program* to assist MOEYS in developing a basic education plan that is responsive to the needs of the poor.[430] Additionally, the World Bank's International Development Association is supporting the Cambodia Education Quality Improvement Project to facilitate MOEYS' development of a participatory approach to improving school quality and performance through the effective management of available resources, and The Second Social Fund Project for the construction of schools in rural areas in 1999.[431]

Despite these efforts to improve the education system, public expenditures on education declined, from 11.8 percent of the national budget in 1996 to only 7.7 percent of the budget in 1999.[432]

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[423] *First Synthesis Report on the Working Conditions in Cambodia's Garment Sector*,November 2001 (Phnom Penh: International Labour Organisation Garment Sector Working Conditions Improvement Project, Kingdom of Cambodia), See Also *Second Synthesis Report on the Working Conditions in Cambodia's Garment Sector*,April 2002 (Phnom Penh: International Labour Organisation Garment Sector Working Conditions Improvement Project, Kingdom of Cambodia).

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

[425] Ibid.

[426] MOEYS interview.

[427] Ibid.

[428] Unclassified telegram 001719.

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

[430] *Cambodia Education Sector Development Plan, PPTA: CAM33396-01* (www.adb.org/Documents/ Profiles/ PPTA/33396012.ASP).

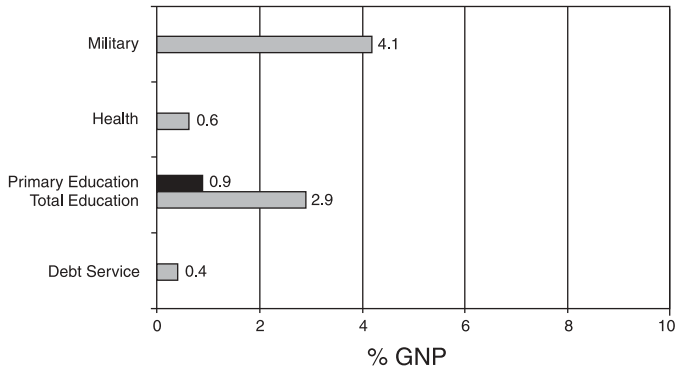
[431] "The World Bank and Cambodia" (http://wbln0018.worldbank.org/eap/eap.nsf/236c318fc341033852567 c9006baf9a/a327463333316f90852567d700792a4c?OpenDocument).

[432] Unclassified telegram 001719.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[433]

Selected Government Expenditures as a Percentage of Cambodia's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[433] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

COSTA RICA

1. Child Labor in Costa Rica

In 1998, the International Labor Organization (ILO) estimated that 4.7 percent of children between the ages of 10 and 14 in Costa Rica were working.[434] The 1998 Survey of Costa Rican Homes estimated that 15.4 percent (147,087) of children between the ages of 5 and 17 work. Approximately 45 percent (66,762) of these working children are between the ages of 5 and 14.[435] The Office of the Ombudsman estimated that 44 percent of working children are employed above the adult limit of 48 hours weekly, and 30 percent of these children receive no salary for their work.[436]

In rural areas, children and adolescents work in agriculture and cattle raising, primarily on family-owned farms. Children have traditionally helped with harvests of coffee beans and sugar cane.[437] During the coffee harvest, many children work in the fields, including children from Nicaragua.[438]

In urban areas, children are involved in many kinds of work. They work as domestic servants and are involved in activities related to construction, carpentry, furniture making, baking, sewing, and the small-scale production of handicrafts. Children bag groceries at supermarkets, sell goods and food on public streets and highways, and watch over parked vehicles in exchange for small fees.[439]

Costa Rica is a growing destination for sex tourism,[440] which is particularly prevalent in urban areas.[441] According to the National Institute for Children (PANI), street children in the urban areas of San José, Limón, and Puntarenas are among those at greatest risk. PANI estimates

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[434] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[435] "Informe sobre el trabajo infantil y adolescente en Costa Rica," Patronato Nacional de la Infancia, San José, Costa Rica, April 1999.

[436] U.S. Embassy-San José, unclassified telegram no. 002193, August 20, 1999 [hereinafter unclassified telegram 002193].

[437] U.S. Embassy-San José, unclassified telegram no. 000515, February 20, 1998 [hereinafter unclassified telegram 000515].

[438] Interview with Bruce Harris, director, Casa Alianza, by U.S. Department of Labor official, August 11, 2000.

[439] Unclassified telegram 000515.

[440] "Foreigners and Sex Tourism in Costa Rica," *La Prensa Libre*, February 4, 1999, as cited in "Child Labour in Costa Rica - Latest News," *The Global March Against Child Labor* (www.globalmarch.org/cl-around-the-world/un-concerned-over-sex-tourism.html).

[441] A study of the 160 foreigners detained in Costa Rica for sexual abuse of children between 1992 and 1994, 25 percent were from the United States; 18 percent from Germany; 14 percent from Australia; 12 percent from the United Kingdom; and 6 percent from France. "Foreigners and Sex Tourism in Costa Rica," *La Prensa Libre*, February 4, 1999, as cited in "Child Labour in Costa Rica - Latest News," *The Global March Against Child Labor* (www.globalmarch.org/cl-around-the-world/un-concerned-over-sex-tourism.html).

that as many as 3,000 children in Metropolitan San Jose alone are involved in prostitution.[442] According to the Office of the Ombudsman, an estimated 50 percent of women involved in prostitution began working when they were between the ages of 8 and 13.[443]

Girls from Costa Rica are reportedly trafficked through Central America to work in the sex trades of the United States, Canada, and Europe. Costa Rica has also been used as a destination country for girls trafficked from the Philippines to work in the country's sex trade.[444]

2. Children's Participation in School

Primary school attendance rates are unavailable for Costa Rica. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[445] In 1997, gross primary net enrollment was 103.5 percent, and net primary school enrollment was 89 percent in Costa Rica.[446] The Ministry of Public Education (MOPE) reports that approximately 184,000 children between the ages of 5 and 17 (or 20 percent of children in this age group) do not attend school at all.[447] In 1996, 87 percent of students reached grade five.[448] MOPE estimates from May 2000 showed that 64 percent of students in Costa Rica finish secondary school.[449]

According to official government statistics, slightly more than one-half of all children who work also attend school.[450] Currently, 36 percent of children do not go to school, and 4.4 percent of children drop out before completing the required years of schooling.[451]

3. Child Labor Law and Enforcement

The Costa Rican Labor Code prohibits the employment of children under the age of 15.[452] The Youth and Adolescent Law also prohibits employment of children under the age of 15.[453]

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[442] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.:U.S. Department of State, 2000), Section 5 [hereinafter *Country Reports 1999—Costa Rica*].

[443] Unclassified telegram 002193.

[444] *Country Reports 1999—Costa Rica* at Section 6f.

[445] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[446] *World Development Indicators 2000*.

[447] Unclassified telegram 002193.

[448] *World Development Indicators 2000*.

[449] U.S. Embassy-San José, unclassified telegram no. 001586, June 23, 2000 [hereinafter unclassified telegram 001586].

[450] Unclassified telegram 002193.

[451] Mauricio Herrera Ulloa, "Costa Rica: National Plan Sets Goals for Child Rights," *La Nación*, September 19, 2000, as cited in the *UN Wire*, September 20, 2000 [hereinafter "Costa Rica: National Plan Sets Goals"].

[452] Unclassified telegram 002193.

The Ministry of Labor and Social Security (MLSS), however, may issue waivers to this provision.[454]

Adolescents between the ages of 15 and 18 are permitted to work for a maximum of 6 hours daily and 36 hours weekly. Following a 1993 incident in which two adolescents died from chemical poisoning as a result of exposure while working on banana plantations, Costa Rican authorities prohibited the employment of youths under the age of 18 in the banana industry.[455] Costa Rica's Constitution provides special employment protection for women and youth[456] and prohibits forced or bonded labor, including instances involving children.[457]

The PANI, in cooperation with the MLSS, enforces child labor regulations in the formal sector, but child labor remains an integral part of the informal economy.[458] While the ministry has no inspectors dedicated solely to enforcement of child labor laws, all 130 labor inspectors receive child labor awareness training.[459] According to the MLSS, some labor inspectors are reluctant to remove children from work in the formal sector out of concern that these children will then enter even worse forms of child labor in the informal sector.[460]

Although adult prostitution is legal in Costa Rica,[461] a 1999 law prohibits prostitution with minors.[462] The Costa Rican Children's Bill of Rights states that children and adolescents have the right to be protected against prostitution and pornography.[463] Article 170 of the Costa Rican Penal Code provides for a prison sentence of 4 to 10 years if the victim of prostitution is less than 18 years old.[464] The age of sexual consent in Costa Rica is 16, but all those under the age of 18 are protected from sexual exploitation, specifically child prostitution and child pornography.[465]

Costa Rican law also prohibits trafficking in women and girls for the purpose of prostitution.[466] Article 172 of the Costa Rican Penal Code mandates a 5 to 10 year prison

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[453] Unclassified telegram 001586.
[454] Unclassified telegram 002193.
[455] Ibid. at Sections 6c-d.
[456] Ibid. at Section 6d.
[457] Ibid.
[458] Unclassified telegram 002193.
[459] Interview with Victor Morales, Minister of Labor and Social Security, by U.S. Department of Labor official, August 11, 2000.
[460] Ibid.
[461] *Country Reports 1999—Costa Rica* at Section 5.
[462] Ibid.
[463] U.S. Embassy-San José, unclassified telegram no. 001977, August 8, 2000 [hereinafter unclassified telegram no. 001977].
[464] Ibid.
[465] Ibid.
[466] On August 17, 1999, a statute to strengthen this prohibition went into effect. See *Country Reports 1999—Costa Rica* at 6f. The Government of Costa Rica has taken some steps to enforce these laws by raiding a number of brothels and arresting some clients; see *Country Reports 1999—Costa Rica* at Section 5.

sentence for those promoting or facilitating the transport of women or children in or out of the country for reasons of prostitution.[467]

The Government of Costa Rica ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment on June 11, 1976, and ILO Convention No. 182 on the Worst Forms of Child Labor on September 10, 2001.[468]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In 1990, the Government of Costa Rica established the National Directive Committee for the Progressive Eradication of Child Labor and the Protection of Adolescent Laborers, under the direction of PANI, to research child labor and monitor the progress of the implementation of ILO initiatives.[469] The National Directive Committee has developed a national plan aimed at addressing child labor and fostered a number of institutions that address child labor, including the Executive Secretariat for the Eradication of Child Labor, the Office of Eradication of Child Labor and Protection of Adolescent Laborers, and the National Commission Against the Commercial Exploitation of Minors and Adolescents.[470]

The Executive Secretariat for the Eradication of Child Labor is responsible for providing technical assistance to government organizations involved in programs dealing with child labor. The Office of Eradication of Child Labor and Protection of Adolescent Laborers, created in December 1997 under the auspices of the MLSS, is responsible for monitoring and enforcement of child labor practices with businesses. The National Commission Against the Commercial Exploitation of Minors and Adolescents is composed of representatives from 5 government ministries (Health, Labor, Justice, Security, and Tourism) and 15 governmental and nongovernmental organizations, including the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC), the United Nations Children's Fund (UNICEF), and the University of Costa Rica.[471]

The National Directive Committee has also developed the System of Child Labor-Related Indicators, an annual report on the effectiveness of government programs dealing with child

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[467] Unclassified telegram 001977.

[468] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[469] Unclassified telegram 001586.

[470] Ibid.

[471] Ibid.

labor. The Costa Rican Office of the Ombudsman monitors such programs and reports directly to the National Directive Committee.[472]

In 1996, the MLSS with assistance from ILO-IPEC, established a National Coordinating Committee for the Eradication of Child Labor. The Committee has developed a national plan to reduce child labor in Costa Rica and prevent children from entering child labor in the first place.[473]

Costa Rica has been an IPEC member since 1996.[474] With funding from the U.S. Department of Labor (USDOL), IPEC began a project in 1998 to combat child prostitution in San Jose. The project aimed to withdraw children from prostitution, while preventing other children from entering prostitution. The project involved workshops to inform children about the dangers of prostitution, vocational and professional training, counseling, recreational opportunities, and medical and nutrition services. As a result of the project, 212 children received educational and vocational training opportunities. The government has supported such efforts to address child prostitution. The Costa Rican Ministry of Health, for example, has agreed to donate a building to be used as a shelter for rescued girls.[475] Currently, it is anticipated that Costa Rica will participate in a regional ILO-IPEC program to combat commercial sexual exploitation of children in Central America. Previous IPEC efforts to address the prostitution of children in Costa Rica will be integrated into this regional project. Moreover, the regional project will build upon the experience of earlier efforts. Research and design for the regional project began in the Spring of 2001.[476]

With funding from USDOL, Costa Rica is participating in a IPEC regional project to address child labor in the coffee sector. The project, which began in 1999 and is scheduled to run through 2003, aims to withdraw or prevent at least 2,700 children from full-time work in the coffee industry in Turrialba and Guanacaste. The project also seeks to reintegrate younger children into the formal education system and provide vocational training for adolescents. It is anticipated that 850 families of the children in the program will be trained in alternative income generating activities, and 350 families will be provided with access to micro-credits.[477]

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[472] Ibid.

[473] Members of the National Coordinating Committee for the Eradication of Child Labor include the ministers or deputy ministers of Labor and Social Security, Education, and Health, as well as representatives from PANI, the National Vocational Training Institute, and the National Insurance Institute. *See* unclassified telegram, 8/20/98.

[474] International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), regional office located in San Jose, Costa Rica.

[475] ILO-IPEC, *Contribution to the Elimination of Commercial Sexual Exploitation of Children and Adolescents in San José*, progress report (Geneva, March 2001) [hereinafter *Elimination of Commercial Sexual Exploitation of Children*].

[476] ILO-IPEC, *Preparation and Design of IPEC Project Documents: USDOL Budget FY 2001*, project document, (Geneva, January 2001) [hereinafter *Preparation and Design of IPEC Project Documents*]. See also *Elimination of Commercial Sexual Exploitation of Children.*

[477] *IPEC Progress Report for Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Costa Rica* (Geneva: ILO-IPEC, March 2001).

The ILO-IPEC Central American regional office in San Jose has also sponsored several activities in Costa Rica. One such program seeks to eradicate child labor in the agricultural market of Cartago.[478] Another project seeks the progressive elimination of child labor in the fishing sector of the Gulf of Nicoya.[479] In addition, the MLSS has proposed a 6- to 10-year project to ILO-IPEC to eliminate all forms of child labor in Cartago, Costa Rica. An assessment of the child labor situation in Cartago began in the Spring of 2001.[480]

Recognizing that underage employment exists in the country, Costa Rica's MLSS implements a protection program that requires the registration of workers under the age of 15 who are already in the workforce. By August 1999, 108 children under the age of 15 had been registered by their employers.[481] Other efforts have also been undertaken to work with employers to address child labor. The National Institute of Apprenticeship, working with the MLSS, has developed an ongoing educational seminar entitled "A Plan for Sensitivity." Some 550 members of the business community have participated in this program that addresses child labor issues.[482]

Costa Rica's National Agenda for Children and Adolescents (2000-10) guarantees the restitution of the rights of working children and adolescents and of children who have been commercially sexually exploited or sexually abused.[483] Agenda goals include preventing and eliminating the worst forms of child and adolescent labor and promoting employment opportunities for adolescents who have completed their schooling. The agenda also seeks to guarantee that child and adolescent workers have greater access to health care that can contribute to their physical, mental, and social well-being; that heads of households with child or adolescent workers have better opportunities and improved conditions in the workplace; and that adolescent workers are afforded better protection in the workplace.[484]

Working closely with the Costa Rican Judicial Investigative Unit (OIJ) and the U.S. Federal Bureau of Investigation (FBI), the NGO Casa Alianza is involved in investigating cases of sex tourism involving children in Costa Rica.[485] The Public Prosecutor's Office, meanwhile, has conducted 112 studies on child prostitution as part of its efforts to increase public awareness

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[478] Since August 1999, the program has helped place 200 child laborers between the ages of 5 and 15 back into elementary and secondary school programs; *see* unclassified telegram, 6/23/00.

[479] The project has benefited 430 children from 80 families since September 1999; s*ee* 6/23/00.

[480] *Preparation and Design of IPEC Project Documents*.

[481] Unclassified telegram 002193.

[482] Unclassified telegram 001586.

[483] "Agenda nacional para la ninez y la adolescencia, 2000-2010: Compromisos y temas prioritarios," Costa Rica, September 2000, 19 [hereinafter "Agenda national"].

[484] Ibid. at 21.

[485] To date, the Casa Alianza has investigated and helped prosecute sex tourists and other adults from Germany, Switzerland, the United States, Chile, Mexico, Guatemala, Honduras, Costa Rica, and Sweden who sexually abused children in Central America. *See* "U.N. Deeply Concerned" over High Levels of Child Sexual Tourism in Costa Rica," April 16, 1999 (http:www.globalmarch.org/cl-around-the-world/un-concerned-over-sex-tourism.html).

about the problem,[486] and the PANI is designing a safe-haven for minors at Ciudad Quesada in Alajuela Province.[487]

A number of private organizations have also organized programs to reduce child labor and aid street children.[488] The Catholic Church, for example, is constructing a shelter that will provide food, housing, and vocational training for children who would otherwise live and work on the streets of San Jose.[489]

ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC), with funding from USDOL, is developing a national survey on child labor for Costa Rica. The survey will collect information on the number of children working under hazardous conditions in the country, the nature of the work children do, as well as factors contributing to children's premature participation in the country's labor force.[490]

b. Educational Alternatives

Costa Rican law requires six years of primary and three years of secondary education for all children.[491] The Government of Costa Rica has pledged to have 95 percent of children in school in the next 10 years.[492]

Costa Rica's National Agenda for Childhood and Adolescence (2000-2010), in addition to promoting the rights of children who have been exploited, seeks to guarantee children educational opportunities. The agenda's goals include ensuring that children under the age of 18 have access to formal education and that these children continue their education through formal or informal schooling or through alternative systems such as the National Institute of Learning.[493]

Government programs aimed at promoting children's access to primary school include publicity campaigns sponsored by the MLSS and the MOPE, using print, television, and radio. One program, entitled "Let's Be Better Moms and Dads," focused on the importance of keeping children enrolled in primary school. The MOPE's budget has increased by 22 percent within the past 5 years in an effort to keep secondary students in school.[494] The MOPE has also established

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[486] Unclassified telegram 002193.
[487] Ibid.
[488] Unclassified telegram 000515.
[489] Ibid.
[490] *IPEC Progress Report: Child Labour Survey and Development of Database on Child Labour in Costa Rica* (Geneva: ILO-IPEC, June 2001).
[491] *Country Reports 1999—Costa Rica* at Section 5.
[492] "Costa Rica: National Plan Sets Goals."
[493] "Agenda national" at 21.
[494] Unclassified telegram 001586.

a Program for the Integrated Recuperation of Children (PRIN) in an effort to encourage children to return to school.[495]

In Costa Rica, the World Bank's Basic Education Project, a US$23 million investment, is working toward improving basic education for children in grades 1 to 9, particularly in disadvantaged rural and marginal urban areas. The project is involved in revising curricula; producing and distributing textbooks, teaching manuals and other educational materials; and piloting the use of computers in the classroom.[496]

In 1996, public spending on all levels of education was 5.4 percent of Costa Rica's gross national product (GNP)[497] and public spending on primary education was 3.1 percent.[498] In June of 1998, the Costa Rican Legislative Assembly passed a constitutional amendment increasing spending on education from 4 percent to 6 percent of gross domestic product (GDP).[499]

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[495] Unclassified telegram 002193.

[496] The World Bank Group, Countries: Costa Rica [online] (www.worldbank.org/html/extdr/offrep/lac/cr2.htm).

[497] *World Development Indicators 2000*.

[498] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Costa Rica (Paris, 2000).

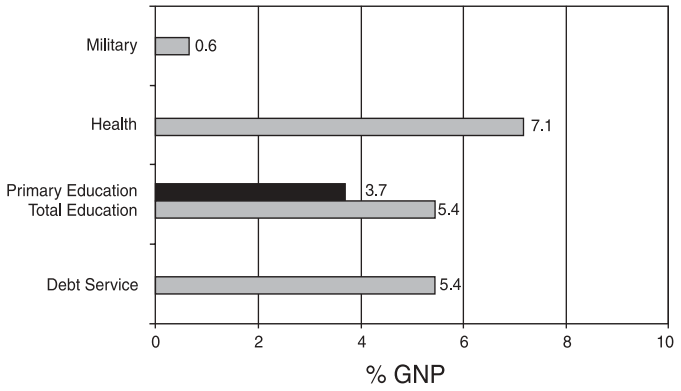
[499] *Country Reports 1999—Costa Rica* at Section 5.

[500] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[500]

Selected Government Expenditures as a Percentage of Costa Rica's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

DOMINICAN REPUBLIC

1. Child Labor in the Dominican Republic

In 1998, the International Labor Organization (ILO) estimated that 14 percent of children between the ages of 10 and 14 in the Dominican Republic were working.[501] Preliminary results from a national child labor survey conducted in the Dominican Republic in 2000 indicated that 18 percent (443,000) of children between the ages of 5 and 17 worked.[502]

Children work in the informal economy, in agriculture, such as on sugar plantations, in small businesses, and in clandestine factories, where working conditions are often poor, unsanitary, and dangerous.[503] In the sugarcane sector, many parents bring their children to work, where they may perform a variety of tasks, including the application of fertilizers. Many of these workers are Dominican-born Haitians.[504] Children born in Haiti are also found working on sugarcane farms in the Dominican Republic, particularly in the Barahona province.[505] Labor inspectors often do not record when Haitian children are found working, since they are not considered part of the Dominican workforce.[506]

Homeless children are particularly vulnerable to being exploited. Some adults, known as *palomas*, place the children into gangs or put them to work begging and selling goods on the street, in some cases in return for shelter.[507]

In some instances, poor Dominican and Haitian parents arrange for wealthier Dominican families to adopt their children, in exchange for money or goods. These children may be expected to work in households or businesses. In some cases, this type of work may be a kind of

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[501] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[502] International Labor Organization, International Program on the Elimination of Child Labor (ILO-IPEC), *Preparatory*, project document, *Activities for the Elimination of the Worst Forms of Child Labor in the Dominican Republic* (Geneva: ILO-IPEC, September 2001), 1 [hereinafter *Activities for the Elimination of the Worst Forms of Child Labor*].

[503] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 1999), Section 6d (www.state.gov/www/global/human_rights/1999_hrp_report/domrepub.html) [hereinafter *Country Reports 1999—Dominican Republic*]. *See also Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), Section 6d.

Interview with Jacobo Ramos, Zona Franca, FENATRAZONA (San Pedro de Macorís), by U.S. Department of Labor official, August 28, 2000.

[504] Interview with Gabriel Antonio de Río, Confederación Autónoma Sindical Clasista (CASC), by U.S. Department of Labor official, August 29, 2000.

[505] Interview with Agustin Vargas-Saillant, Domingo Jimenez, and Rufino Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic, by U.S. Department of Labor official, August 29, 2000.

[506] Interview with María Elena Asaud, UNICEF, by U.S. Department of Labor official, August 29, 2000.

[507] *Country Reports 1999—Dominican Republic* at Section 5.

bonded labor. Some children, especially girls, may be trafficked for the purpose of prostitution.[508]

An estimated 25,000 to 30,000 children in the Dominican Republic are involved in prostitution.[509] Needy adolescents may be enticed into performing sexual acts by the promise of money, food, or clothing, and then be held against their will by individuals who sell their sexual favors to others. Some of these minors are reportedly lured from their homes, while others are already living on the streets, due to their families' inability to provide for them.[510] According to a study sponsored by UNICEF and the National Planning Office, 75 percent of minors involved in prostitution work in brothels, discos, restaurants, and hotels.[511] The tourism industry, according to some accounts, has facilitated the sexual exploitation of children. Reportedly, tours are marketed overseas emphasizing the availability of boys and girls as sex partners. Children are affected by this problem in urban areas, as well as in tourist locations throughout the country.[512]

Trafficking of women and children is a problem in the Dominican Republic. The Directorate of Migration has estimated that there are approximately 400 rings operating within the country who profit by facilitating the trafficking of persons for the purposes of prostitution to countries such as Spain, the Netherlands, and Argentina.[513]

2. Children's Participation in School

In 1996, the primary net attendance rate was 71.4 percent,[514] and the primary net enrollment rate was 86.9 percent.[515] In 1999, 80 percent of children reached grade five.[516] This statistic does not include children who do not possess a birth certificate, or approximately 24 percent of all children in the Dominican Republic. Children without a birth certificate often

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[508] *Country Reports 1999—Dominican Republic* at 6c.

[509] World Congress Against Commercial Sexual Exploitation, August 1996, and Mainstreaming Gender in IPEC Activities 1999, as cited in "Worst Forms of Child Labor Data: Dominican Republic," *The Global March Against Child Labor* (www.globalmarch.org/worstformofchild labour/dominican-republic.html). Another source cites a figure of 25,000 boys, girls, and adolescents working in the country's commercial sex sector. *See* Mercedes González, "La explotación sexual y laboral de niños," *El Siglo,* August 20, 2000 [hereinafter "La explotación sexual y laboral de niños"].

[510] *Country Reports 1999—Dominican Republic* at 5.

[511] The government is also concerned that some individuals traveling to the Dominican Republic to adopt children may actually intend to use the children in the production of pornography or in the sex trade. *See* "La explotación sexual y laboral de niños."

[512] Ibid. *See also Country Reports 1999 – Dominican Republic* at 5.

[513] *Country Reports 1999—Dominican Republic* at 5, 6f .

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

[515] *World Development Indicators 2000*.

[516] *Activities for the Elimination of the Worst Forms of Child Labor*.

cannot register in the school system, although some children are permitted to enroll in school on an informal basis as approved by each individual school.[517]

The 1996 Demography and Health survey revealed that of children ages 7 to 14, only 46.3 percent attended school without being involved in economic activity. The remaining 53.7 percent of children either did not attend school or combined school with work.[518]

The absence of educational opportunities in the implementation area of the project is one of the factors responsible for the entry of children into the labor market. Other factors include families' lack of financial means to buy uniforms and books; the lack of facilities; the absenteeism of teachers; and the lack of birth certificates required for school enrollment.[519] According to reports, the training of teachers in the country is poor, and the performance of teachers is not monitored.[520]

3. Child Labor Law and Enforcement

The Labor Code prohibits the employment of children under 14 years of age and places restrictions on the employment of children between the ages of 14 and 16.[521] Children in this age group may only work with medical certification and not to an excess of six hours per day. Children under 14 may only work with parental consent, or the consent of their tutor.[522] Children have the right to be paid at a rate equal to that of adult workers, and they are restricted from performing night work, overtime, ambulatory work, or work in dangerous places.[523] Children between the ages of 14 and 16 are allowed to work in apprenticeship and artistic programs.[524] Article 254 of the Labor Code requires employers of minors to make special provisions for workers that may be able to continue their schooling and attend professional training schools.[525] The law also prohibits forced or bonded labor by children.[526]

In 1997, the Government of the Dominican Republic placed a new restriction on agricultural laborers entering the country, prohibiting them from bringing their spouses or

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[517] Ibid.

[518] Ibid.

[519] Ibid.

[520] U.S. Embassy-Santo Domingo, unclassified telegram no. 001782, April 25, 2001 [hereinafter unclassified telegram 001782].

[521] Código de Trabajo de la República Dominicana 1999 [hereinafter Código de Trabajo], Articulos 245-254.

[522] Ibid. Articulos 17, 247, 248. Permission is required from both the child's mother and father; if this is not possible, 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. This permission only applies to work in public events, radio television, or in acting.

[523] Ibid. Articulos 244, 246, 249, 251.

[524] *Country Reports 1999—Dominican Republic* at Section 6d.

[525] Código de Trabajo at Article 254.

[526] *Country Reports 1999—Dominican Republic* at Section 6d.

children. This action affected mainly migrant workers from Haiti. Employers are required to repatriate employees and families who violate this law or face prosecution themselves.[527]

Several laws in the Dominican Republic prohibit trafficking in persons. An alien smuggling law, issued in August 1998, increased the penalties for those found guilty of various types of trafficking in persons. Civil and criminal laws dealing with domestic violence and the Minor's Code protect against the traffic in persons, whether children or adults. Laws also prohibit individuals from acting as intermediaries in prostitution transactions, and the government has used this law to prosecute third parties who derive profit from prostitution.[528]

Child prostitution is defined as a crime in the Law Against Family Violence and in the Minor's Code.[529] Child pornography is also a criminal offense under the Minor's Code.[530] According to reports from community organizations, however, in many cases children who are the victims of sexual exploitation are the ones seized by police, while the perpetrator of the crimes go untouched, allegedly due to a lack of evidence.[531]

The executive branch of the government established an Oversight Organization for the Protection of Children to coordinate the approaches of various agencies involved in combating the trafficking of children, including the Attorney General's office, the Public Health Ministry, and the Migration office. The Department of Family and Children focuses on identifying children who are victims of abuse of any kind and prosecutes offenders under the heightened penalties contained in the domestic violence law.[532] A primary concern of the Oversight Organization has been to prevent the use of the child adoption process by those who intend exploit children through prostitution or child pornography. The Department of Family and Children has also been concerned with kidnappings, especially of infants. Some kidnapped children have allegedly been sold to foreigners. Government officials have made foreign adoptions much more difficult, with the hopes of deterring would-be traffickers.[533]

Currently, the Government of the Dominican Republic has approximately 232 labor inspectors charged with enforcement of the minimum wage, child labor laws, and health and safety legislation. The Ministry of Labor has taken employers in violation of the law to court.[534]

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[527] U.S. Embassy-Santo Domingo, unclassified telegram no. 002499, June 26, 2000 [hereinafter unclassified telegram 002499].

[528] Under the Minor's Code, "adolescent" is defined as a child between the ages of 13 and 18, and the age of sexual consent is defined as 18. See *Country Reports 1999 – Dominican Republic* at 6f.

[529] U.S. Embassy-Santo Domingo, unclassified telegram no. 003141, August 8, 2000 [hereinafter unclassified telegram 003141].

[530] Ibid.

[531] "La explotación sexual y laboral de niños."

[532] *Country Reports 1999—Dominican Republic* at 6f.

[533] Ibid.

[534] Unclassified telegram 002499.

The Dominican Republic ratified ILO Convention No. 138 on Minimum Age for Employment on June 15, 1999, and ILO Convention No. 182 on the Worst Forms of Child Labor on November 15, 2000.[535]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Dominican Republic became a member of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) in 1997.[536] The Government of the Dominican Republic committed to set aside RD$3 million (US$187,481) in 2001 to execute programs to eliminate the worst forms of child labor.[537] The first lady of the Dominican Republic formed a task force to eliminate the worst forms of child labor throughout the country.[538]

In 1999, IPEC and UNICEF conducted a joint training of 160 labor inspectors.[539] The Ministry of Labor, with the support of UNICEF, also held seven workshops on the legal aspects of child labor for its inspectors.[540] In collaboration with labor inspectors, UNICEF plans to conduct a small survey in selected agricultural areas to assess the extent of child labor.[541]

In 1999, the Ministry of Labor took steps to increase public awareness of child labor laws, including through dissemination of brochures at regional meetings with employers, and the airing of a video entitled "El Menor en el Trabajo."[542]

In December 1998, a successful, 2-year pilot project was launched for the elimination and prevention of child labor in the municipality of Constanza. Developed as an ILO-IPEC action program and funded by the U.S. Department of Labor (USDOL), collaboration was fostered among the Ministry of Labor, a local nongovernmental organization (NGO), farm workers, growers, and schools that yielded encouraging results. The project exceeded expectations with the removal of over 460 children from high-risk agricultural work activities.[543]

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[535] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[536] "La explotación sexual y laboral de niños."

[537] Mercedes González, "Gobierno aportara recursos para eliminar trabajo infantil," *El Siglo*, November 11, 2000.

[538] E-mail from Cesar Peña, ILO national program manager, to U.S. Department of Labor official, October 20, 2000.

[539] Interview with María Elena Asaud, UNICEF, by U.S. Department of Labor official, August 29, 2000 [hereinafter Asaud interview].

[540] Unclassified telegram 002499.

[541] Asaud interview.

[542] Unclassified telegram 002499.

[543] IPEC, *Combating Child Labour in High-Risk Agriculture Activities in Constanza*, progress report (Geneva: ILO-IPEC, March 2001) [hereinafter *Combating Child Labour in High-Risk Agriculture Activities*], 7.

The Dominican Republic is participating in an ILO-IPEC regional project funded by the USDOL to combat child labor in the coffee sector. This project targets 6,000 children, adolescents, and their families.[544] The Dominican Republic is also participating in a project called, Prevention and Elimination of Child Labor in Tomato Production. This project aims to remove at least 900 children from work and prevent an additional 6,500 children from entering work. In addition, at least 300 families of the removed children will be provided with alternative income support. The Dominican Republic anticipates to be participating in a regional project to eliminate commercial sexual exploitation of children.[545] Preparatory work has begun in support of a comprehensive, national Time-Bound Program to eliminate the worst forms of child labor in the Dominican Republic.[546]

The National Survey on Child Labor in the Dominican Republic, developed by the ILO-IPEC Statistical Information Monitoring Program on Child Labor (SIMPOC) and funded by the USDOL, was conducted in late 2000.[547]

b. Educational Alternatives

The 1994 Minor's Code requires eight years of formal education.[548] The Government of the Dominican Republic is currently developing a 10-year education plan, to be implemented from 2002-2011. This plan is expected to focus on improving the quality of education, the formation of teachers, an improvement of didactic materials, and improving the evaluation system.[549]

In 1995, the Inter-American Development Bank (IADB) and the World Bank funded a US$100 million Basic Education Improvement Program to improve monitoring and evaluation of the education sector and improve student assessment methodologies and teacher training. The program also sought to improve physical infrastructure by maintaining schools and educational materials, and providing access to private education for low-income students. Other components of this program included improving services and lowering associated costs of education and improving the facilities and technology available to all students.[550]

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[544] IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in the Dominican Republic*, Project Document, (Geneva: ILO-IPEC, November 1999).

[545] ILO-IPEC, *Contribution ot the Prevention and Elimination of Commercial Sexual Exploitation of Children*, Draft Project Document, (Geneva: ILO-IPEC, December 2001), 5.

[546] *Activities for the Elimination of the Worst Forms of Child Labor*.

[547] IPEC, *SIMPOC*, progress report (Geneva: ILO-IPEC, March 2001). Data processing is ongoing. Results from the survey should be available in 2002.

[548] *Country Reports 1999—Dominican Republic* at 6d.

[549] Unclassified telegram 001782.

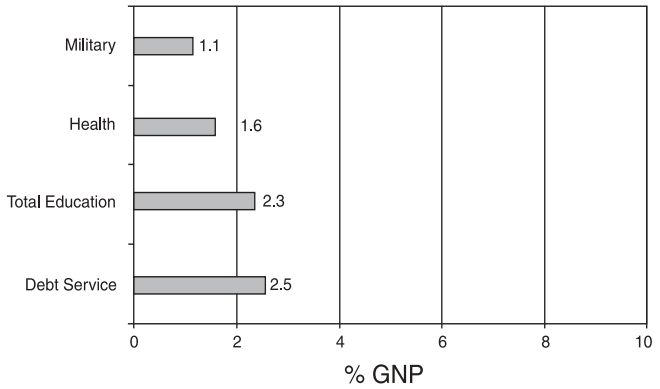
[550] Inter-American Development Bank, Basic Education Improvement Program (www.iadb.org/exr/PRENSA/1995/cp23695e.htm), September 28, 2001.

The government has launched a Poverty Eradication Plan that includes specific provisions in support of education for children. In addition to providing a monthly grant of US$18 per family to the country's poorest families, this plan provides the children who are enrolled in school with uniforms, books and a school breakfast.[551] In 1997, public spending on education as a percentage of GNP was approximately 2.3 percent.[552]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[553]

Selected Government Expenditures as a Percentage of Dominican Republic's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

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[551] *Combating Child Labour in High-Risk Agriculture Activities.*

[552] *World Development Indicators 2000.*

[553] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

EGYPT

1. Child Labor in Egypt

In 1998, the International Labor Organization (ILO) estimated that 10 percent of children between the ages of 10 and 14 in Egypt were working.[554] According to a 1988 national survey conducted by Egypt's Central Agency for Public Mobilization and Statistics (CAPMAS), approximately 1.47 million children between the ages of 6 and 14 worked.[555] Other sources suggest that the number of working children in Egypt reached 1.5 million in 1999, making up 9 percent of the country's total labor force.[556] According to one study, nearly 65 percent of poor families in Egypt send at least one child to work.[557]

Government studies reveal that the concentration of working children is higher in rural than in urban areas.[558] Nationally, the greatest number of working children is in agriculture, and younger children are more likely to work in agricultural areas.[559] According to a report released by Human Rights Watch in 2001, over one million children between the ages of 7 and 12 are hired each year to work in agricultural cooperatives. Employed to work on pest management, these children manually remove and destroy leaves infected by cotton leaf worms.[560] They do

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[554] *World Development Indicators 2000*.

[555] The total population in 1988 was estimated to be 48.3 million. The latest census in Egypt (1996) found the population to be 61.4 million. Consecutive CAPMAS studies indicate that between 1979 and 1988, there was an increasing trend in the employment of 6- to 12-year-olds. CAPMAS. Labor Force Sample Survey (LFSS). Cairo: The Central Agency for Public Mobilizationa nd Statistics (CAPMAS), 1988, as cited in Philip L. Graitcer and Leonard B. Lerer, *The Impact of Child Labor on Health: Report of a Field Investigation in Egypt*, July 2000, 33 [hereinafter *The Impact of Child Labor on Health*]. A UNICEF-funded survey published in 1992 found that 20 percent of all Egyptian children between the ages of 6 and 14 work. F., Nassar, *Economic Aspects of Children's Vulnerability in Egypt* (Cairo: UNICEF, 1995), as cited in *The Impact of Child Labor on Health* at 33.

[556] *Al-Wafd* (Egypt), issue no. 3807, 1999, as quoted in Land Center for Human Rights, Series of Reports on the Economic and Social Rights, no. 13, March 2000; *Children-Labors of the Stone Crashers in Egypt* at 5. Estimates from some nongovernmental organizations (NGOs) also indicate that up to 1.5 million children are working throughout the country. *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), Section 6d, 20 [hereinafter *Country Reports 2000—Egypt*].

[557] Nadia Ramsis Farah, *Child Labour in Egypt within the Context of the CRC* (Cairo: Center for Development Studies, UNICEF, June 1997), 29 [hereinafter *Child Labour in Egypt within the Context of the CRC*], as cited in *By the Sweat and Toil of Children*, vol. 5, at 42.

[558] *Country Reports 2000—Egypt* at Section 6d.

[559] The CAPMAS surveys indicate that among rural working children, 41.9 percent are 6 to 11 years old and 58.1 percent are between the ages of 12 and 14. In urban areas, however, only 32.8 percent are in the 6-11 age group, and 67.2 percent are 12-14 years old. See *The Impact of Child Labor on Health* at 34.

[560] According to an agricultural engineer assigned to a cooperative, children are hired because they are cheaper, more obedient, and are the appropriate height for inspecting cotton plants. Human Rights Watch. *Underage and Unprotected: Child Labor in Egypt's Cotton Fields*. Vol. 13, No. 1 (E) (New York: Human Rights Watch, January 2001), 10-12 [hereinafter *Underage and Unprotected*]. In November of 1999, the Ministry of Social Affairs reported that 1 million children worked in this sector. *Country Reports 2000—Egypt* at Section 6d. *See also* Anthony Shadid, "Year After Tragic Deaths, Egypt's Young Return to Cotton Fields," Associated Press, September 24, 1998, as cited in U.S. Department of Labor, International Child Labor Program, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C., 1998), 18 [hereinafter *By the Sweat and Toil of Children* , vol. 5].

seasonal work for 11 hours per day, seven days a week, far above the number of hours permitted under Egypt's Child Law. The children are exposed to heat and pesticides and suffer beatings from foremen who supervise their work.[561]

While the number of working children is nearly equally divided between boys and girls in rural areas, boys account for approximately 70 percent of working children in urban areas.[562] According to a survey in urban Cairo, most girls work in clothing or textile manufacturing, while most boys work as mechanics or in the retail or service sector jobs.[563]

In Egypt's formal economy, children work in the carpet, leather tanning, and textile industries.[564] Children from economically disadvantaged families often work as apprentices, for example, as apprentices in auto repair and craft shops, in heavier industries such as construction, and in brick making and textile production.[565] Children also work in hide tanneries, where they are involved in unskilled manual activities, such as cleaning hides, preparing materials, and packaging.[566]

In the informal economy, children commonly work as unpaid labor in family or cottage industries such as carpet weaving. Carpet making is a traditional craft in Egypt, and girls between 10 and 14 years of age often learn to make knots and follow patterns at home from older family members.[567] Some child weavers attend school for half a day while others do not attend school at all.[568]

Many children, especially daughters from poor families, work as domestic servants in the homes of wealthy families.[569] Local culture supports this role for girls.[570] Girls working in domestic service are often deprived of an education, and many suffer physical and sexual abuse within the homes where they work.[571] In urban areas, street children sell items or resort to begging to meet their basic needs and are frequently controlled by gang leaders.[572]

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[561] *Underage and Unprotected* at 2.

[562] *The Impact of Child Labor on Health* at 34.

[563] Ibid. at 51.

[564] Bjorne Grimsrud and Liv Jorunn Stokke, *Child Labour in Africa: Poverty or Institutional Failures? The Cases of Egypt and Zimbabwe* (Fafo Institute for Applied Social Science, Report No. 233, 1997), 35 [hereinafter *Child Labour in Africa*].

[565] Ibid. at 35. *See* also *Country Reports 2000—Egypt* at Section 6d, 20.

[566] *Child Labour in Africa* at 34.

[567] Carpets made in family or cottage industries are generally sold to local factories. *Child Labour in Africa* at 33.

[568] Ibid.

[569] *Country Reports 2000—Egypt* at Section 6d.

[570] *Child Labour in Africa* at10.

[571] Salah Nasrawi, "Activists Denounce Child Labor in Egypt," Associated Press, April 14, 2001 (http://rmedia.boston.com/RealMedia/ads/click_lx.ads/www.boston.com/news/default/27887/TILE1/h_boscom_).

[572] Child Labor News Service, "News Brief: About Ten Million Street Children in Arab World" (www.globalmarch.org/clns/clns-15-06-2001.htm).

2. Children's Participation in School

Between 1995 and 1996, the primary gross attendance rate was 94.9 percent, and the primary net attendance rate was 83.3 percent.[573] In 1996, the primary gross enrollment rate was 100.5 percent, and the primary net enrollment rate was 9 4.9 percent.[574]

Based on findings from a 1994 study, as much as 37 percent of Egyptian children do not complete basic education.[575] Poverty is the main reason cited for children dropping out of school prematurely, with poor families preferring the money children can earn at work to the benefits of schooling.[576] In the case of girls, cultural and social traditions can also be a significant factor, with families choosing to keep them at home and out of school.[577]

3. Child Labor Law and Enforcement

Egypt's Labor Law No. 137 prohibits children 12 years old or younger from working under any conditions.[578] The Labor Law also states that all working children must have a health fitness certificate and an annual health examination, and special health insurance is compulsory for all child workers over the age of 12.[579]

Ministerial Decree No. 12 limits the employment of children under the age of 15 in 11 specified sectors.[580] A governor has the authority to waive this decree, which occurs frequently in the case of seasonal work. Under the waiver, children between the ages of 12 and 14 must secure permission from the Ministry of Education to work under certain, predefined conditions.[581]

Egypt's Child Law of 1996 raised the minimum work age from 12 to 14, but allowed for provincial governors, with the consent of the Ministry of Education, to allow children between the ages of 12 and 14 to be employed in seasonal agricultural work that is not hazardous and does not interfere with their education.[582] Children in the 12 to 14 age group may also participate in vocational training provided by employers.[583] Article 66 of the law prohibits children from working over six hours a day or more than four consecutive hours. Children are required to take

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[573] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.
[574] *World Development Indicators 2000*.
[575] Mona El Baradei, *The Impact of Structural Adjustment and Stabilisation Policies on Educationand Health in Egypt* (1994), as cited in *Child Labour in Africa* at 29.
[576] *Child Labour in Africa* at 29.
[577] Ibid. at 32
[578] *The Impact of Child Labor on Health* at 38.
[579] Ibid. at 39.
[580] J. L. Guirguis, "Children Work in Hazardous Jobs" (1998) [on file from International Child Labor Program, Report 5].
[581] *Child Labour in Egypt within the Context of the CRC.*
[582] U.S. Embassy Cairo, Unclassified telegram no. 006469, October 11, 2001, [hereinafter unclassified telegram 006469]. See also *Underage and Unprotected* at 8.
[583] *Underage and Unprotected* at 8.

one or more breaks totaling at least one hour during a work shift and may not work overtime or at night (between 8 p.m. and 7 a.m.).[584] Articles 67–69 require employers to issue each child employee (aged 15 or younger) an identification card that has a Ministry of Manpower and Migration (MOMM) stamp, and to display the child's name on a board in the workplace.[585]

In April 2001, the Deputy Prime Minister and Minister of Agriculture and Land Reclamation Affairs issued Ministerial Decree No. 1454, making it illegal to employ children below the age of 14 in agriculture, as specified by the Child Labor Law No. 12.[586]

The Child Law No. 12 of 1996 recognizes all children under the age of 18 as juveniles.[587] Employers are prohibited from hiring a juvenile without first obtaining a medical certificate guaranteeing that he or she is physically capable of work and free from any diseases.[588] MOMM Decree 14 modified the Child Law to require that a juvenile's wages be paid only to the juvenile.[589]

In 1997, Egypt's MOMM issued two decrees restricting the employment of children in hazardous work. According to these decrees, children under the age of 15 are prohibited from work involving furnaces or ovens in bakeries, freezing and refrigeration units, fertilizers, acids, or chemicals; work in cement factories, petroleum and distillation labs, or pressurized gas industries; cotton bailing; work involving bleaching, dyeing, and textile printing; or jobs requiring heavy lifting. Children under the age of 17 are prohibited from employment in a number of areas, including mining, smelting of metals, working with explosives, welding, tanneries, fertilizer industries, or butchering of animals.[590]

According to the Penal Code, prostitution and sex tourism are prohibited in Egypt. Penalties are more severe for child prostitution or child pornography involving children under the age of 16.[591]

The MOMM is responsible for labor inspections, and maintains approximately 2,000 inspectors who are charged with investigating safety, health, and age violations. Inspectors work out of 450 different MOMM offices in Egypt's 26 governorates.[592] In 2000, the MOMM issued

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[584] Unclassified telegram 006469. See also *Country Reports 2000—Egypt* at Section 6d and *Underage and Unprotected* at 8.

[585] These articles also require that the employer supply the same information to the Office of Work and Insurance. Land Center for Human Rights (LCHR), *Child Workers in Egyptian Rural Areas are Victims with No Means of Redress,* no. 1 (December 1997), 11 [hereinafter *Child Workers in Egyptian Rural Areas*].

[586] "USAID/Egypt's Actions/Follow-up on Child Labor" [facsimile], May 7, 2001. *See also* unclassified telegram, 10/11/01.

[587] *Child Workers in Egyptian Rural Areas* at 10-11.

[588] Mohamed Abd-Elkader El-Hussainy, "Child Labor: A Case Study for Greater Cairo on Car Workshops, Glass-Making and Foundries," The Arab Republic of Egypt's Cairo Demographic Center, March 1998, 16.

[589] Ibid.

[590] Unclassified telegram 006469.

[591] Law No. 10 and Chapter 4 of the Penal Code of 1964. *See* unclassified telegram 006469, and *Country Reports 2000—Egypt* at Section 6f.

[592] Unclassified telegram 006469.

Decree No. 117 which established a specialized Child Labor Unit within the labor inspection department. The MOMM is currently working with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) and the Arab Labor Organization to train and educate inspectors in the Unit.[593]

Local trade unions have reported that the MOMM adequately enforces child labor laws in state-owned enterprises, but there has been much criticism that the MOMM has not enforced the restrictions of the 1996 Child Law in the informal sector. Article 74 of the Child Law calls for the owners of establishments where working children are found to pay a fine of between US$27 and US$133 per illegal child worker. Fines are doubled in the case of repeat offenders.[594] In addition, governors at the provincial level have the power to rescind the license of a workshop that hires children under the age of 14. Finally, parents and employers can be fined from US$59 to $147 for forcing their children to work and not allowing them to go to school, or they can be sent to prison for up to one month.[595] In 1999, two cases of illegal child labor were reported.[596]

Egypt ratified ILO Convention No. 138 on Minimum Age for Employment on June 9, 1999, and ratified ILO Convention No. 182 on May 6, 2002.[597]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In 1988, Presidential Decree No. 54 created the National Council for Children and Motherhood. The Council's principal responsibility is to formulate a national plan for the protection of mothers and children, focusing in particular on the areas of social welfare, health, education and social protection. The Council includes active participation by the Ministers of Social Affairs, Health, Culture, Education, Manpower and Vocational Training, Planning, Information, the chairman of the High Council for Youth and Sports, and the First Lady.[598]

Various initiatives have targeted child welfare and child labor in Egypt. UNICEF has been working in urban slums and other impoverished regions of rural Egypt supporting micro-credit schemes since 1993. It makes small loans to women under the condition that they ensure that their children attend classes.[599] Other efforts have targeted specific sectors. USAID, for example, is working with the Alexandria Cotton Exporters Association to develop a logo that

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[593] Ibid.

[594] *Country Reports 2000—Egypt* at Section 6d.

[595] Interview with Sallama Shaker, deputy assistant minister, North American Affairs, Ministry of Foreign Affairs, by U.S. Department of Labor officials, May 9, 1998, as cited in *By the Sweat and Toil of Children,* vol. 5, at 45.

[596] *Country Reports 2000—Egypt* at Section 6d.

[597] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[598] *Country Reports 2000—Egypt* at Section 6d.

[599] UNICEF, Family Development Fund Project [online], Cairo, 1996 (www.unicef.org/credit/ creegypt.htm), August 1, 2001.

[600] Child Labor Coalition Notes, March 14, 2001, Washington, D.C.

publicizes a child-free certification.[600] In addition, the ILO in Cairo is currently implementing a rapid assessment survey that will provide updated estimates on the number of working children in Egypt.[601]

b. Educational Alternatives

Egypt's Constitution mandates that education should be free for all children.[602] The Education Law No. 139 (1981) calls for compulsory primary education through eighth grade and requires children to attend school until they reach the age of 15.[603]

In February 1996, the Ministry of Education established the Mubarak Program for Social Cooperation to offset school fees and indirect costs of schooling. School grants are provided through the Ministry of Social Affairs to school children whose families earn less than 100 Egyptian pounds (US$29.41) per month. During 1996-1997, about 169,000 children received grants, either in-kind or cash, to cover the costs of school uniforms, books, supplies, and school fees. The average annual grant per child was equal to US$4.17.[604]

The Ministry of Education has been encouraging working children and school dropouts in rural areas to attend school by increasing the number of one-classroom schools being built.[605] In the last five years, nearly 8,500 new schools have been built in poor rural communities under this program.[606] The location of these new school buildings are within walking distance of many of the community homes, and an increase in the number of female teachers adds incentive for girls to continue their schooling. In addition, the Egyptian Ministry of Education provides a meal to children during the school day as an additional incentive to attend classes.[607]

UNICEF is building Community Schools in Egypt and over 300 are already in operation. In some communities in the north where the program is operating, girls' enrollment has increased from 30 percent to 70 percent. Attendance rates have remained consistently high (between 95 and 100 percent), and students have performed well on national exams.[608]

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[601] The National Council on Childhood and Motherhood is implementing a yearlong child labor awareness-raising campaign and the rapid assessment with support from ILO-IPEC. *See Agence France-Presse*, "ILO Asks Egypt to Set Deadline for End of Child Labour," April 10, 2001.

[602] UNICEF reports, however, that the Egyptian Ministry of Education imposes school fees as high as 15.85 pounds (US$4.66) for primary education. *Child Labour in Egypt within the Context of the CRC* at 59.

[603] Article 59 of the 1996 Child Law, 12. *UNESCO Statistical Yearbook 1997* (Paris: UNESCO, 1997), Table 3.1 at 3-7.

[604] Nadia Ramsis Farah, *Child Labour in Egypt Within the Context of the Committee on the Rights of the Child* (Cairo: Cairo Center for Development Studies/UNICEF, June 1997), 27. Grants fall short of the estimated costs of sending children to school, where average primary school fees range from 11.35 to 15.85 pounds (US$3.33 to $4.66), and the Ministry of Education estimates that average annual cost paid by poor families for primary school education amounts to 348 pounds (US$102.35) per child.

[605] Interview with Hussein Kamel Bahaa El-Din, Minister of Education, by U.S. Department of Labor official, May 12, 1998.

[606] Ibid.

[607] Ibid.

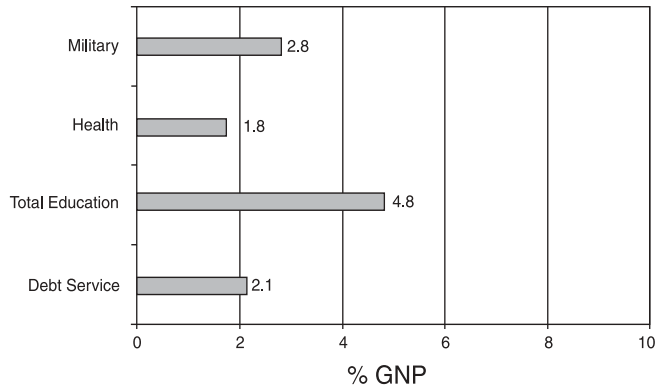
[608] UNICEF, *Global Girls' Education Programme: Country Highlights*, World Education Forum: Dakar, 2000, at www.unicef.org/efa/firlsed.htm.

Spending by the Government of Egypt on education ranged from between 4.4 and 4.8 percent of gross national product (GNP) from 1991 to 1995.[609] According to the United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s *Statistical Yearbook for 1997*, the government dedicated 15 percent of its total expenditures to education (1990 to 1997) and the largest percentage of education spending to primary education (67 percent from 1993 to 1997).[610]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[611]

Selected Government Expenditures as a Percentage of Egypt's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

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[609] *World Development Indicators 2000*.

[610] *UNESCO Statistical Yearbook 1997 and 1998* (Paris: UNESCO, 1997, 1998).

[611] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

EL SALVADOR

1. Child Labor in El Salvador

In 1998, the International Labor Organization (ILO) estimated that 14.3 percent of children between the ages of 10 and 14 were working.[612] A joint study by the Salvadoran Institute for the Protection of Children (ISPM), a government agency, and UNICEF, based on nationwide data collected in 1996, found that 12.4 percent (223,200) of children between the ages of 5 and 17 work in El Salvador and that 91,500 of those children were under the age of 14. Moreover, approximately 6.6 percent of children between the ages of 5 and 17 (118,800) worked full-time and did not attend school, while 5.8 percent (104,400) of children worked part-time.[613]

Children work, often alongside their parents, in commercial agriculture, particularly during the coffee and sugar harvests.[614] The nongovernmental organization (NGO) Redd Barna reports that children work for 10 to 12 hours a day in seasonal agriculture, often under hazardous conditions, and that only about 30 percent receive any type of compensation.[615] Children also work in charcoal and firework production, shellfish harvesting, and family fishing.[616]

Children, girls in particular, work as domestic servants. According to a study by FEPADE, girls as young as 11 years old migrate from rural to urban areas to work as domestics. FEPADE estimates that as many as 115,000 girls between the ages of 7 and 18 work as domestic servants.[617]

Orphans and children from poor families frequently work as street vendors and general laborers in small businesses.[618] Many children also beg in the streets.[619] According to the office of the Ombudsman for the Defense of Human Rights (PDDH), not only do these children lose their opportunity for an education, they also often fall victim to sexual exploitation and are forced into prostitution.[620]

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[612] *World Development Indicators 2000*.

[613] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), Section 6d [hereinafter *Country Reports 1999—El Salvador*]. In 1998, the Foundation for Enterprise Development (FEPADE), estimated that there were as many as 400,000 child laborers in El Salvador. Tania Urías, "La Hipoteca del Futuro," *El Diario de Hoy*, El Salvador, September 19, 1999 [hereinafter "La Hipoteca del Futuro"].

[614] U.S. Embassy-El Salvador, unclassified telegram no. 005508, February 1998 [hereinafter unclassified telegram, 005508]; see also U.S. Embassy-El Salvador, unclassified telegram no. 002066, June 2000 [hereinafter unclassified telegram 002066].

[615] "La Hipoteca del Futuro"; *see also* IPEC, *Combating Child Labor in the Coffee Sector of El Salvador*, project document (Geneva: ILO-IPEC, 1999) [hereinafter *Combating Child Labor in the Coffee Sector of El Salvador*].

[616] Unclassified telegram 005508; *see also* unclassified telegram 002066.

[617] "La Hipoteca del Futuro."

[618] *Country Reports 1999—El Salvador* at 6d.

[619] Jesús Corvera, "12.4% of Children in El Salvador Work," *El Pais*, as cited in *UN Wire* [translation], October 27, 2000 [document on file].

[620] *Country Reports 1999—El Salvador* at Section 5.

Children, especially girls, are known to be involved in prostitution.[621] A 1998 study found that children between the ages of 13 and 18 accounted for nearly 45 percent of the estimated 1,300 prostitutes in three major San Salvador red-light districts.[622] There is also growing concern about the extent of voluntary and forced child prostitution in the port city of Acajulta and in San Salvador.[623]

El Salvador is both a point of origin and a destination for girls trafficked for the purpose of commercial sexual exploitation. There are reports of regional trafficking of young girls both to and from El Salvador for the purposes of prostitution. Interpol, the international police organization, has identified a trafficking network bringing young girls from neighboring Honduras and Guatemala into El Salvador to work in bars along the Salvadoran/Guatemalan border.[624] Over the past three years, Interpol has reportedly rescued approximately 20 Salvadoran girls from prostitution rings.[625]

Initiatives by the Government of El Salvador and the private sector have reportedly eliminated underage labor in the formal industrial sector,[626] including the Export Processing Zones (EPZs). A PDDH report on the maquila industry found no workers under the age of 17, and only 0.5 percent who were age 17.[627]

2. Children's Participation in School

Primary school attendance rates are unavailable for El Salvador. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[628] In 1997, the primary gross enrollment rate was 97.3 percent, and the primary net enrollment was 89.1 percent.[629] According to the United Nations Educational, Scientific, and Cultural Organization (UNESCO), 77 percent of primary school entrants reach the fifth grade.[630] Children in particularly difficult financial circumstances often do not complete compulsory schooling, despite schooling being officially compulsory through the ninth grade.[631]

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[621] *Country Reports 1999—El Salvador* at Section 6c.

[622] According to a 1998 study on child prostitution conducted by the Commission on the Family, the Woman, and the Child by the United Nations High Commissioner for Human Rights, among the major factors contributing to children engaging in prostitution are poverty, a lack of a strong nuclear family, discrimination against women, and organized crime; see *Country Reports 1999—El Salvador* at Section 5.

[623] Unclassified telegram 005508; *see also* unclassified telegram 002066.

[624] "Casa Alianza News Briefs" (www.casa-alianza.org/EN/newsbrief/1999/september1999.shtml), September 9, 1999.

[625] *Country Reports 1999—El Salvador* at Section 6f.

[626] Unclassified telegram, 6/00.

[627] *Country Reports 1999—El Salvador* at Section 6d.

[628] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[629] *World Development Indicators 2000*.

[630] United Nations Educational, Scientific, and Cultural Organization (UNESCO), "The Right to Education: Towards Education for All throughout Life," *World Education Report 2000*, June 27, 2000, 145; *see* www.unesco.org/education/highlights/wer/wholewer.pdf [hereinafter *World Education Report 2000*].

[631] *Country Reports 1999—El Salvador* at Section 6d; *see also* Constitution of the Republic of El Salvador, 1982, Section 3, Chapter II, Education, Science, and Culture [hereinafter Constitution of the Republic of El Salvador].

Although there has been progress in increasing the availability and quality of schooling throughout the country, rural areas still fall short of providing a ninth grade education to all students.[632] A study conducted in 1997 by the Business Foundation for Educational Development indicated that 17 percent of urban children and 34 percent of rural youth were not attending school.[633]

3. Child Labor Law and Enforcement

The Salvadoran Constitution prohibits the employment of children under the age of 14. However, minors who are at least 12 years old may receive special permission from the Labor Ministry to work, but may only do so where such employment considered is absolutely necessary for the minor's and his/her family's survival. Additional rules dictate that children under the age of 18 may only legally work under certain conditions. For example, minors between the ages of 14 and 18 may not work more than 6 hours per day and not for more than 36 hours per week.[634] The Labor Code prohibits the employment of persons under 18 years of age in occupations considered hazardous.[635] Forced or compulsory labor, including forced and bonded labor by children, is prohibited by the Constitution.[636] The Ministry of Labor is responsible for enforcing child labor laws.[637]

El Salvador's Penal Code does not criminalize prostitution.[638] Article 169 of the Penal Code, however, provides for specific penalties for the "inducement, facilitation, or promotion of prostitution."[639] The penalty increases, under Article 170 of the Penal Code, if the victim is less than 18 years old.[640] The Penal Code also prohibits sexual relations with persons under 16 years of age, even with their consent, and the government considers that children under 18 must be protected from sexual exploitation, child prostitution, and child pornography.[641] In June 1999, the Legislative Assembly approved a new provision to the Criminal Code that mandates a 6- to 8-year prison sentence for individuals convicted of sexual aggression against minors.[642]

The Salvadoran Institute for the Protection of Children (ISPM), a government entity, is responsible for protecting and promoting children's rights.[643] In recent years, police, local prosecutors, and the ISPM have responded to several long-running advocacy and media programs

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632 *Country Reports 1999—El Salvador* at Section 5.
633 Ibid.
634 Articles 114-17 of the El Salvador Labor Code, 1995, 43-45; see also *Country Reports 1999—El Salvador* at Section 6d.
635 "La Hipoteca del Futuro."
636 *Country Reports 1999—El Salvador* at Section 6c.
637 Ibid. at Section 6d.
638 U.S. Embassy-El Salvador, unclassified telegram no. 002731, August 2000 [hereinafter unclassified telegram 002731].
639 Ibid.
640 Ibid.
641 Ibid.
642 *Country Reports 1999—El Salvador* at Section 5.
643 Ibid.

focusing on child prostitution and pornography by increasing efforts to enforce the law and rescue children from houses of prostitution.[644]

El Salvador ratified International Labor Organization (ILO) Convention No. 138 on Minimum Age for Employment on January 23, 1996, and ILO Convention No. 182 on the Worst Forms of Child Labor on October 12, 2000.[645]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Minister of Labor has pushed for an integrated approach among the government, donor institutions, nongovernmental organizations (NGOs), and regional labor ministries to combat child labor.[646] The Government of El Salvador is in the process of creating a National Committee to Fight Child Labor to help the government formulate a coherent child labor policy and coordinate public and private programs to combat child labor, address the causes pressuring children to work, and develop alternatives and options for children and their families.[647]

The government has collaborated with the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) on four projects, funded by the U.S. Department of Labor, aimed at combating child labor in specific sectors. These projects are designed to remove children from exploitative work, promote schooling and recreational opportunities for them, and help develop new economic options for their families in order to reduce reliance in the labor of their children. In August 1999, representatives from government, ILO-IPEC, and the ISPM inaugurated a project in the southeastern shore area to remove children involved in harvesting mangrove clams. In September of the same year, the government (including the ISPM), local NGOs, the Coffee Growers Association, and ILO-IPEC joined resources to start a project in the coffee sector to help remove children from the fields and enroll them in school.[648] Also in September 1999, a joint effort by the government, ILO-IPEC, and an NGO led to the implementation of a project focusing on removing children from the cottage production of fireworks.[649] Another ILO-IPEC program currently under way in El Salvador seeks to gather statistical information on children engaged in economic activities as part of an ILO-IPEC statistical project in eight Central American countries.[650]

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[644] Unclassified telegram 002066.

[645] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[646] Unclassified telegram 002066.

[647] Ibid.

[648] *Combating Child Labor in the Coffee Sector of El Salvador*.

[649] IPEC, *Combating Child Labor in Fireworks Industry of El Salvador*, project document (Geneva: ILO-IPEC, 1999); see also *Country Reports 1999—El Salvador* at Section 6d.

[650] IPEC, *SIMPOC: Child Labor Survey and Development of Database on Child Labor in El Salvador* (Geneva: ILO-IPEC).

In June 2001, Minister for Labor and Social Welfare, Nieto Menéndez, announced that El Salvador would become one of the first countries to initiate a comprehensive, national program to eliminate the worst forms of child labor in a set time frame.[651] The Time-Bound Program" in El Salvador, which is expected to begin in late 2001, will seek to eliminate exploitative child labor associated with fishing, sugar cane production, the commercial sex industry, and scavenging around garbage dumps. The program aims to withdraw children from hazardous work and promote access to quality basic education through a national program.[652]

b. Educational Alternatives

Education is officially compulsory through the ninth grade, according to Salvadoran law.[653] The Ministry of Education is carrying out programs designed to improve the quality of public schooling and increase the availability of primary education for urban and rural families.[654] One of these program, a $34 million Basic Education Modernization Project, is designed to improve access to and the quality of basic education, and to promote gender equality in education through the EDUCO community-based education program. Another program, a $58 million Secondary Education Project, seeks to enhance access to secondary education, especially in rural areas, improve the relevance and content of curriculum, target the needs of female students, enhance the role of the private sector in education, and help prepare students to enter the labor market.[655] In 1996, the government dedicated 14.1 percent of its spending on education.[656] In that same year, public spending on education as a percentage of gross national product (GNP) was 2.35 percent.[657] Public spending on primary education as a percentage of GNP was 1.33 percent in 1995.[658]

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[651] Mr. Nieto Menéndez, Minister for Labour and Social Welfare, El Salvador, speech 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, International Labour Conference, 89th Session, June 12, 2001, Geneva. For the full text of Mr. Nieto's speech, *see* www.ilo.org/public/english/standards/relm/ilc/ilc89/a-menendez.htm.

[652] *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* (Geneva: ILO-IPEC).

[653] Constitution of the Republic of El Salvador, 1982, Chapter 2, "Education, Science, and Culture," Section 3; see also *Country Reports 1999—El Salvador* at Section 5.

[654] Unclassified telegram 002066.

[655] The World Bank Group, *Country Report for 1998: El Salvador*, Washington, D.C.

[656] *World Education Report 2000.*

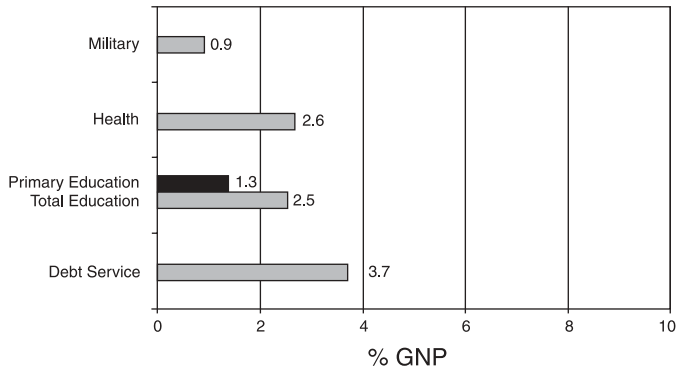
[657] *World Development Indicators 2000*.

[658] UNESCO, Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, El Salvador (Paris, 2000).

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[659]

Selected Government Expenditures as a Percentage of El Salvador's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[659] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

ETHIOPIA

1. Child Labor in Ethiopia

In 1999, the International Labor Organization (ILO) estimated that 53.7 percent (3.9 million) of children between the ages of 10 and 14 were working in Ethiopia.[660] Children in Ethiopia work both in the informal and formal sectors. Despite the government's assurances that children are not engaging in economic activities in the formal sector, particularly on government-owned plantations,[661] a joint study conducted by the ILO regional office in Addis Ababa and the Eastern Africa Multidisciplinary Advisory Team (EAMAT) discovered children working on state-owned farms.[662] Children were found working on cotton, sugarcane, coffee, and tea plantations.[663]

Children work long hours on plantations for little pay, usually without any meal breaks, and are often exposed to environmental toxins that can be detrimental to their health, especially on cotton farms. The cotton plantations are located in the *kolla* zone, where children tend to be at a higher risk of malaria, yellow fever and snakebites.[664]

In urban areas of Ethiopia, children are found working as domestic servants, street peddlers, and as employees in private enterprises.[665] Children have also been reportedly shipped to Saudi Arabia and elsewhere in the Middle East to work as house servants or nannies.[666] Children working as domestic servants, most of whom are girls, are often victims of physical, emotional and sexual abuse, including rape.[667]

Girls as young as 11 years old are recruited to work in the commercial sex industry in brothels, bars, and hotels, where they are at great risk of contracting sexually transmitted

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[660] International Labor Organization, *Yearbook of Labour Statistics* (Geneva, Switzerland, 2000). In 2001, Ethiopia's Central Statistics Office conducted a child labor survey (of children between the ages of 5 and 17) in consultation with International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). Results from the national child labor survey in Ethiopia should be available early 2002. E-mail correspondence from ILO-IPEC to U.S. Department of Labor official [10/15/01]. ILO-IPEC: Results of Ethiopia SIMPOC.

[661] U.S. Embassy-Addis Ababa, unclassified telegram no. 003616, October 18, 2000.

[662] "A Study on Child Labour in Rural Ethiopia," Working Paper No. 1, ILO/EAMAT (Addis Ababa, 1999), 4-10 [hereinafter "A Study on Child Labour in Rural Ethiopia"].

[663] For example, on the Bebeka Coffee Plantation an estimated 490 children, ranging from 7 to 16 years of age were found working on the farm; s*ee* "A Study on Child Labour in Rural Ethiopia" at 4.

[664] "A Study on Child Labour in Rural Ethiopia" at 3,5,6.

[665] "A Study on Child Labour in an Urban District of Addis Ababa," ILO-EAMAT Working Paper on Child Labour No. 2 (Addis Ababa, 2000), 6 [hereinafter "A Study on Child Labour in an Urban District of Addis Ababa"].

[666] *Country Reports on Human Rights Practices for 1999,* Sections 5, 6c, and 6f. *(*www.state.gov/ www/global/ human_rights/1999_hrp_report/ethiopia.html) [hereinafter *Country Reports 1999—Ethiopia*].
See also *El Barometer,* "Human and Trade Union Rights in the Education Sector" (Brussels: Education International, 1998), 46 [hereinafter *El Barometer*].

[667] "A Study on Child Labour in an Urban District of Addis Ababa" at 3.

diseases, particularly HIV infection. Furthermore, the underground child sex trade and sex tourism in Ethiopia is reportedly on the rise, and more organized than once believed.[668] Children's involvement in the commercial sex trade occurs mainly in resort towns and truck stops in Addis Ababa.[669]

Recruitment of children into the armed forces was reported to occur in Ethiopia in 1999, prior to the border conflict with Eritrea, but there is no evidence that underage recruitment by the government continues to take place.[670] Although the Ministry of Defense does not permit individuals under the age of 18 to enlist, the policy is difficult to enforce since an estimated 95 percent of Ethiopians have no birth certificates.[671] Children as young as 14 years of age are reportedly allowed to join local militias.[672]

2. Children's Participation in School

Primary school attendance rates are unavailable for Ethiopia. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[673] In 1996, the gross primary school enrollment rate was 42.9 percent, and the net primary school enrollment rate was 32.4 percent.[674] Gender disaggregated data indicate that gross primary enrollment was higher for boys (55 percent) than for girls (31 percent).[675] For children that have the opportunity to go to school, over 40 percent drop out of school before reaching the second grade of primary school.[676]

Although primary school and secondary education are officially free in Ethiopia, there are not enough schools to accommodate students.[677] Most schools are located in urban districts, so children living in rural areas of Ethiopia do not have the same educational opportunities available to them. In 1999, there were 8,120 primary schools in the country that operated in 3 daily shifts to accommodate all the students.[678] Class sizes averaged between 80 and 100 students.[679]

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[668] U.S. Embassy-Addis Ababa, unclassified telegram no. 001343, April 17, 2000 [hereinafter unclassified telegram 001343]. See Also *Country Reports 1999—Ethiopia.*

[669] *Country Reports 1999—Ethiopia.*

[670] Ibid.

[671] Interview with Seife Tadelle, president, Ethiopian Youth League, by U.S. Department of Labor official, August 8, 2000. See Also *Country Reports 1999—Ethiopia.*

[672] *Country Reports 1999—Ethiopia*.

[673] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[674] *World Development Indicators.*

[675] In 1996, net primary enrollment rates were also higher for boys (40.1 percent) than for girls (24.8 percent). *See* Ibid.

[676] *Country Reports 1999—Ethiopia*.

[677] *El Barometer* at 45. See also U.S. Embassy-Addis Ababa, unclassified telegram no. 001965, June 8, 2000 [hereinafter unclassified telegram 001965].

[678] "A Study on Child Labour in Rural Ethiopia" at 1.

[679] *El Barometer* at 45.

One of the major reforms in Ethiopia's education system is the decentralization of education responsibilities to provincial authorities.[680] This devolution to "ethnic federalism" allows provincial governments to use their primary ethnic language for instruction in schools, instead of Amharic.[681] The Ethiopian Teachers Association (ETA) has expressed concern that the switch to ethnic federalism will result in a dearth of qualified teachers, and will hinder the implementation of an effective education policy since most of the teachers to date (and most of their members) have been trained and certified in Amharic.[682]

3. Child Labor Law and Enforcement

Ethiopia's Labour Proclamation No. 42/1993 sets the basic minimum working age at 14 years.[683] The Proclamation also sets forth laws on the working conditions of young workers, defined as children between the ages of 14 and 18.[684] Employers are forbidden to employ young workers where the environment or nature of the job may pose health risks or endanger children's lives in any way. Some prohibited activities defined in the proclamation are transporting goods by air, land, or sea, working with electric power generation plants, and quarrying in mines.[685] Moreover, the work hours of children should not exceed seven hours a day; overtime work is prohibited; and children may not work between the hours of 10 p.m. and 6 a.m., during weekly rest days, and on public holidays.[686]

Enforcement of child labor laws is reportedly weak, due in large part to an insufficient number of labor inspectors. Currently, about 50 labor inspectors in the Ministry of Labor and Social Affairs (MOLSA) enforce all the country's labor laws in the formal sector, and the government maintains child labor is not a problem in the formal economy.[687]

Since 1942, the Constitution of Ethiopia forbids slavery and prohibits the forced or compulsory labor of children.[688] Ethiopia's Penal Code (Articles 605 through 613) includes provisions specifically dealing with the issues of child trafficking, child prostitution, and bonded child labor.[689] The trafficking of women and children is illegal under Article 605, and is punishable by imprisonment of up to five years with fines up to 10,000 birr ($US1,250).[690]

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[680] Devolution of education responsibilities from national to provincial authorities began in 1993.

[681] Eighty local languages are spoken in Ethiopia; *see El Barometer* at 45. See also Interview with Girma Abebe, Foreign Service national at the U.S. Embassy in Ethiopia, by U.S. Department of Labor official, August 7, 2000.

[682] Interview with Girma Abebe, Foreign Service national at the U.S. Embassy in Ethiopia, by U.S. Department of Labor official, August 7, 2000.

[683] *Negarit Gazeta*, Proclamation No. 42/1993, Part 6, Chapter 2, Article 89 (Addis Ababa, Ethiopia: Negarit Gazeta of the Transitional Government of Ethiopia), 295.

[684] Ibid.

[685] Ibid.

[686] Ibid.

[687] Interview with Getaneh Mitiku, Head of Ethiopian Department of Labor, Ministry of Labor and Social Affairs, by U.S. Department of Labor official, August 7, 2000.

[688] *Country Reports 1999—Ethiopia.*

[689] Interview with Tilahun Teshome, Dean of the Faculty of Law, Addis Ababa University, by U.S. Department of Labor official, August 10, 2000.

Ethiopia ratified ILO Convention No. 138 on Minimum Age for Employment on May 27, 1999.[691]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Ethiopia does not yet have a national agenda concerning child labor, and is not yet a participating country in the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) program.[692] The ILO regional office in Addis Ababa organized a Child Labor Forum to bring together Ethiopian Government ministries, United Nations agencies, trade unions and employer organizations, embassies, and nongovernmental organizations (NGOs).[693]

Through the ILO, the Italian Government has allocated funding for small research and demonstration projects. These include a project to prevent and eliminate child labor on plantations in rural Ethiopia (to be implemented by the National Federation of Farms, Plantations, Fishery and Agro-Industry Trade Unions) and a project to assess the magnitude and nature of domestic child labor in Addis Ababa (to be implemented by the Department of Community Health, Faculty of Medicine at Addis Ababa University).[694]

The Forum on Street Children in Ethiopia (FSCE) works with 20 NGOs to help street children, victims of child prostitution, and child laborers. FSCE has established child protection units (CPUs) in police stations to educate law enforcement officials on the rights of children, and to assist children when they become victims of crime.[695] In addition, FSCE runs a drop-in center that provides counseling and rehabilitation services, along with a "safe-home," for children who are victims of prostitution.[696]

The Ministry of Labor and Social Affair is working with the Ethiopian Central Statistical Authority (CSA) and ILO-IPEC's Statistical Information and Monitoring Program on Child Labor to conduct a national household survey on child labor.[697]

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[690] The exchange rate on August 7, 2000, was US$1.00 = 8 birr.

[691] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[692] Unclassified telegram 001343.

[693] The forum meets three times a year. *See* unclassified telegram 1343.

[694] "Initiatives on Child Labour in Ethiopia," ILO Addis Ababa (Addis Ababa: ILO, 2000) 1 [fact sheet on file].

[695] Interview with Fassil W. Mariam, executive director, Forum on Street Children in Ethiopia (FSCE), by U.S. Department of Labor official, August 7, 2000.

[696] Unclassified telegram 001343.

[697] The survey includes 2000 sample sites, 547 of which will be in urban areas. Interview with Dr. Abdulaki Hasen, General Manager of the Ethiopian Central Statistical Authority, by U.S. Department of Labor official, August 9, 2000.

b. Educational Alternatives

The Ethiopian Government aims to provide universal primary education by the year 2020.[698] An Educational Sector Development Program was adopted in 1999 to construct new schools, increase the availability of textbooks in local languages, train additional teachers, and expand vocational training.[699] At the moment, the Ethiopian Government does not plan to modify its three-shift school day with both primary and secondary schools conducting sessions during the morning, afternoon, and evening.[700]

Public spending on education as a percentage of gross national product (GNP) was 4 percent in 1996.[701]

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[698] Unclassified telegram 001965.

[699] Ibid.

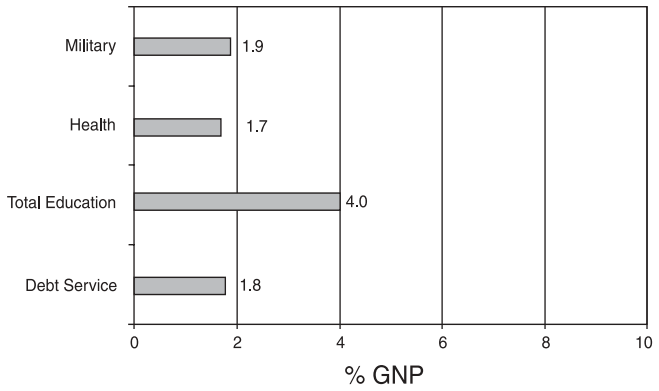
[700] Ibid.

[701] *World Development Indicators 2000*.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[702]

Selected Government Expenditures as a Percentage of Ethiopia's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[702] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

GHANA

1. Child Labor in Ghana

In 1998, the International Labor Organization (ILO) estimated that 12.5 percent of children between the ages of 10 and 14 in Ghana were working.[703] The Core Welfare Indicators Survey conducted in 1997 estimated that 9.2 percent of children between the ages of 6 and 14 were working.[704] Approximately 8.2 percent of boys and 10.2 percent of girls in this age group were working.[705] A majority of child workers are found in rural areas.[706]

The majority of working children are unpaid and can be found on family farms and family enterprises.[707] While traditionally, working on the family farm was seen as a means of training for adulthood, deteriorating economic conditions have led to an increase in the number of children working on a regular basis to earn a living for themselves or supplement family income. These children either forgo an education or combine work and school.[708]

Deteriorating economic conditions in rural areas and conflicts in northern regions of the country have led to increased migration of children into urban areas, particularly Accra.[709] This migration has reportedly led to an increase in the numbers of street children and working children in urban areas.[710] In August 2000, Ghana's Ministry of Employment and Social Welfare reported that out of 800,000 children working countrywide, 18,000 children were working in Accra. Seventy percent of these urban working children are estimated to receive no schooling, while 21 percent complete only their primary education.[711]

Nongovernmental organizations (NGOs) report that children as young as 7 years old work as trolley and head porters, domestic servants, street vendors, rock breakers in quarries, small scale miners, farmers and fishermen. In May 2000, the acting executive director of the Ghana National Commission on Children (GNCC) expressed concern about the increasing use of child labor in inland fishing enterprises, especially in villages around the Volta Lake and the Volta

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[703] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[704] Country Statistics in Ghana, Core Welfare Indicators Survey, 1997 (www.ucw-project.org) [hereinafter Core Welfare Indicators Survey, 1997].

This figure includes children who were working only and children who combined work and school.

[705] Core Welfare Indicators Survey, 1997 .

[706] Sudharshan Canagarajah and Harold Coulombe, *Child Labor and Schooling in Ghana* (Washington, D.C.: World Bank, 1997) [hereinafter *Child Labor and Schooling in Ghana*].

[707] Ibid.

[708] The Ghana National Commission on Children. *The First Decade of the Ghana National Commission on Children* (Accra: The Ghana National Commission on Children, 1990).

[709] Interview with Mrs. Margaret Sackey, executive director, Ghana National Commission on Children (GNCC), by U.S. Department of Labor official, Accra, August 4, 2000 [hereinafter Sackey interview].

[710] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001), Section 6d [hereinafter *Country Reports 2000—Ghana*].

[711] Ibid.

River.[712] Newspapers have reported that 10 to 12 year old boys often work for fisherman in exchange for a yearly payment to their families. This practice was found to be rampant in 156 fishing villages along the Afram River and in settlements along the Volta Lake in the Afram Plains.[713] Small children are used to dive down to the riverbeds for oysters, and there have been a number of reports of children drowning.[714]

Some girl children migrate from rural areas to urban centers to serve as *kayayoos*, girl porters who carry goods on their heads as petty traders.[715] The girls are usually come from villages and towns in the poorer northern regions and end up living on the streets or in poor accommodations.[716] Children as young as 8 years old work as *kayas*. Earnings in the *kayayoo* trade are approximately 2,000-2,500 *cedis* a day (approximately US$1), with younger girls getting 50–100 *cedis* (US$0.02-US$0.05) per load and older girls and women getting 200-500 (US$0.10–US$0.25) *cedis* per load.[717] *Kayayoos* suffer from various skeletal and muscular problems which they often address by taking excessive drugs to numb the pain. Some *kayayoos* also reportedly practice prostitution to add to their earnings.[718]

Ghana is both a source and a destination for trafficked children.[719] In a report commissioned by the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC), a Ghanaian NGO found that the majority of trafficked victims are girls between the ages of 10 to 15 years who either dropped out of primary school or had not attended school at all.[720] These girls, largely from rural areas, are frequently used as household help in Accra and the other major cities. Major complaints included mistreatment and poor working conditions, including little or no remuneration; beatings, rape and forced marriages were also reported.[721] Trafficking also occurs between Ghana and neighboring countries and is multi-directional. Cases of cross-border trafficking and abduction have been reported between Ghana and Togo, Benin, Burkina Faso, Côte d'Ivoire, and Nigeria, with boys and girls lured into prostitution or hard labor.[722]

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[712] Sackey interview. Also cited in *Country Reports 2000—Ghana*.

[713] U.S. Embassy Accra cites June 1999 report in *Country Reports 2000—Ghana.*

[714] Sackey interview.

[715] Seema Agarwal et al., *Bearing the Weight* (Legon: Centre for Social Policy Studies, University of Ghana, May 1997), 1 [hereinafter *Bearing the Weight*].

[716] Ibid at 3.

[717] Ibid at 10.

[718] Nana Araba Apt and Ebenezer Q. Blavo, *Street Children and AIDS* (Legon: Centre for Social Policy Studies, University of Ghana, May 1997).

[719] *Country Reports 2000—Ghana* at Section 6f.

[720] African Centre for Human Development, *Ghana Country Study: Combating the Trafficking in Children for Labour Exploitation in West and Central Africa*, Accra, Ghana, April 2000, 6 [hereinafter *Combating the Trafficking in Children for Labour Exploitation*].

[721] Ibid. at 7.

[722] *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II): Ghana Country Annex*, ILO-IPEC, 2000 [hereinafter *Combating the Trafficking in Children for Labour Exploitation, Phase II*].

There are reports of girls (some as young as 10 years old) being bound to shrines as part of a traditional practice known as the *Trokosi* system.[723] In 1998, the Parliament passed legislation that banned the practice of *Trokosi*.[724]

2. Children's Participation in School

In 1998, the primary net attendance rate for children between the ages of 6 and 11 years was 76 percent.[725] Low attendance in school has been noted as a particular problem in certain areas of the country and among certain groups of children. In 1998, there was an 87 percent primary attendance rate in urban areas compared to a primary attendance rate of 72 percent in rural areas.[726] Teachers' salaries are considered inadequate and it is difficult to attract teachers to rural areas.[727] Many teachers in rural areas earn their primary income through farming. In the past, teachers sometimes used students as a source of farm labor, a practice that has become less common with adverse publicity.[728] In order to attract teachers to rural areas and supplement low salaries, the government has offered accelerated promotion and perks, such as bicycles, to teachers willing to take assignments in such areas.[729]

Expenses such as school fees and taxes, and associated costs such as books and uniforms, reportedly make education costly and preclude some children from attending school.[730] In 1992, education costs accounted for more than 15 percent of a household's mean per capita expenditure.[731]

Although there is little or no systematic discrimination against female children in terms of basic education, societal and economic pressures increase girls' dropout rates.[732] The government has actively campaigned for the education of girls and in 1997 established a girls' education unit within the basic education division of the Ghana Education Service. According to government estimates released in September 1999, the percent of girls nationwide enrolled in primary school had increased from 75 percent in 1992 to 81 percent in 1997.[733]

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[723] Found primarily among the ethnic Ewe group, the practice involves young girls who are indentured by their families to a fetish shrine for several weeks or years as a means of atoning for offenses committed. The girls, known as *Trokosi* or *Fiashidi*, become the property of the shrine and are under the direction of the fetish priest. *See* U.S. Embassy Accra, unclassified portion of telegram no. 002509, October 1, 2001.

[724] *Country Reports 2000—Ghana* at Section 3.

[725] USAID, DHS EdData Education Profiles for Africa: Data from the Demographic and Health Surveys, Ghana DHS EdData Education Profile, 1993 and 1998 [hereinafter Ghana DHS EdData Education Profile].

[726] Ghana DHS EdData Education Profile.

[727] Interview with Emmanuel Acquaye, director of basic education, Ghana Education Service, by U.S. Department of Labor official, Accra, August 1, 2000 [hereinafter Acquaye interview]. Also attending were Chris Dokiuna-Hammond and Yaw Danso, deputy director of basic education.

[728] Interview with Janet Leno, senior education specialist, World Bank, by U.S. Department of Labor official, Accra, August 3, 2000.

[729] Acquaye interview.

[730] Ibid. See Also *Child Labor and Schooling in Ghana* at 11.

[731] *Child Labor and Schooling in Ghana* at 11.

[732] *Country Reports 2000—Ghana* at Section 5.

[733] Ibid. at Section 5.

3. Child Labor Law and Enforcement

The government strengthened legal protection of children by passing the Children's Act of 1998 (Act 560). Act 560 incorporates the existing labor legislation's minimum age for employment of 15 and prohibits exploitative child labor, defined as labor that deprives the child of health, education, and development.[734] The act sets a minimum age of 18 years for hazardous employment and a minimum age of 13 years for light work.[735] Act 560 requires employers to provide apprentices with a safe and healthy work environment, along with training and tools.[736]

Ghana's Constitution prohibits slavery and the law also prohibits forced or bonded labor. Nevertheless, NGOs criticize the government for failing to put resources into enforcing these provisions, especially with respect to the trafficking of children.[737] They allege that law enforcement agencies have regarded trafficking cases as falling under the domain of the Department of Social Welfare and that police in frontier posts lack the training and logistical support needed to take enforcement action.[738] It is often difficult for law enforcement officials to identify victims due to the complex family relations that exist in some trafficking situations.[739]

Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations and make spot checks when they receive allegations of violations. However, violators of regulations that prohibit heavy labor and night work for children are only occasionally punished in practice.[740]

Ghana ratified ILO Convention No. 182 on the Worst Forms of Child Labor on June 13, 2000.[741]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In March 2000, the Government of Ghana signed a Memorandum of Understanding (MOU) with ILO-IPEC to initiate activities in Ghana. With financial support from the U.S. Department of Labor (USDOL), and in collaboration the Government of Ghana, ILO-IPEC

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[734] Government of Ghana, Act 560, The Children's Act, 1998, Part V, Employment of Children, Sub-Part I, Child Labour, 27 [hereinafter The Children's Act, 1998].

[735] Ibid. at Sections 89, 90.

[736] *Country Reports 2000—Ghana* at Section 6d. The Children's Act 560: Violation of any subpart pertaining to child labor of the Children's Act 560 is liable on summary conviction to a fine not exceeding 10 million cedis or to imprisonment for a term not exceeding two years, or both. And failure to register children commits an offence and is liable on conviction to a fine not exceeding 500,000 cedis.

[737] *Combating the Trafficking in Children for Labour Exploitation* at 25.

[738] Ibid.

[739] For example, acquaintances of an older age may be referred to as "auntie" even when no blood relation exists.

[740] *Country Reports 2000—Ghana* at Section 6d.

[741] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

country program aims to formulate a national policy and plan of action to combat child labor, with a focus on the worst forms of child labor, and has established a national steering committee.[742] Ghana is also receiving technical support from the ILO-IPEC Statistical Information and Monitoring Program (SIMPOC), with funding from USDOL, to conduct a national survey on child labor.[743]

In 1999, Ghana joined eight other countries participating in phase one of a 3-year ILO-IPEC regional project to combat the trafficking of children for labor exploitation in West and Central Africa. The project, with USDOL financial support, was a follow-up to the July 1998 subregional workshop on trafficking in child domestic workers sponsored by the United Nations Children's Fund (UNICEF) and the ILO. As a participant in this project, Ghana is developing concrete measures against trafficking of children at a variety of levels. Efforts will be made to channel identified children to NGOs which provide social protection and support services for victims of trafficking. During the project's second phase, demonstration projects will provide rehabilitation services for child victims, raise public awareness, strengthen partner organizations, encourage multi-disciplinary preventive measures, and develop inter-country cooperation efforts.[744]

The Government of Ghana has initiated a number of policies and programs aimed at curbing the vulnerability of children to all forms of child labor exploitation. These include the promulgation of the Children's Act of 1998, the Free Compulsory Universal Basic Education (FCUBE) program, and the Universal Children's Law enacted out of the Constitutional provision on Children's Rights. Furthermore, the Ministry for Employment and Social Welfare is attempting to address the problems of street children through the "Jobs for Africa" program, through direct grants to street children, and through tax exemptions for NGOs, which work with children in need. [745] In addition, numerous donors have supported the FCUBE program that was designed to increase access for children of school-going age, targeting especially ages 6 through 9.[746]

NGOs, churches, and other religious organizations have a variety of programs targeting needy children. The Ghana NGO Coalition on the Rights of the Child (GNCRC) was established in response to the 1995 report by the Government of Ghana to the U.N. Committee on the Rights of the Child.[747] The GNCRC works with NGOs, the Ministry of Education and Social Welfare, and the Ghana National Commission on Children on such issues as HIV/AIDS, child labor, basic education, health, environment, and advocacy for children. The GNCRC has conducted an

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[742] IPEC Summary of Individual Country Programs: National Program on the Elimination of Child Labor [hereinafter National Program on the Elimination of Child Labor].

[743] Ibid.

[744] *Combating the Trafficking of Children for Labour Exploitation, Phase II.*

[745] Statement by The Honorable Ms. Ama Benyiwa-Doe, deputy minister for employment and social welfare, delivered at the opening of a photographic exhibition by Catholic Action for Street Children and Street Girls Aid at the British Council, Accra, August 2, 2000.

[746] Acquaye interview. Also attending were Chris Dokiuna-Hammond and Yaw Danso, deputy director of basic education.

[747] *Ghana NGO Coalition on the Rights of the Child: Membership Directory, 1999-2000* (Accra, Ghana: National Democratic Institute for International Affairs).

educational series on child labor, including television commercials aimed at informing the public.[748] It has trained NGOs in the provisions of the Convention on the Rights of the Child.[749]

Both the Trade Union Congress (TUC), the largest trade union confederation in Ghana, and the Ghana Employers' Association (GEA) have devoted increased attention to the problem of child labor in Ghana. The TUC held a leadership seminar on child labor and street children in June 2000.[750] In collaboration with the ILO, the GEA organized four regional workshops during July 2000 on combating the worst forms of child labor.[751] With help from the ILO, the GEA is also undertaking a research project on child labor, which will include an establishment survey to complement the household survey that SIMPOC and the Ghana Statistical Services are conducting.[752]

A Ghanaian NGO reporting for the ILO on trafficking in children noted that while many NGOs focused on street children and their rehabilitation, there were no specific programs by either the government or NGOs to address the concerns of trafficking victims.[753] The Ghana National Commission on Children (GNCC) has noted that the problems of street children, child labor, and prostitution are worsening. Yet, judges are often unfamiliar with the law or with sentencing guidelines for cases of child rape and defilement. The GNCC sees the education of law enforcement officials as critical and is working with police units to familiarize them with the Children's Act of 1998.[754]

b. Educational Alternatives

Six years of primary education and three years of secondary education (through grade nine) are free and compulsory in Ghana.[755] The government continues to strive to provide free compulsory basic education through the Free Compulsory Universal Basic Education (FCUBE) program for grades one through nine, and aspires for the attainment of this goal by the year 2005.[756] The FCUBE program is supported by a variety of donors and is reviewed every 2 years.[757]

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[748] Interview with Susan Sabaa, national coordinator, Ghana NGO Coalition on the Rights of the Child (GNCRC), by U.S. Department of Labor official, Accra, August 3, 2000.

[749] Ibid.

[750] Interview with Kwesi Adu-Amankwah, deputy secretary general, Trade Union Congress (TUC), by U.S. Department of Labor official (Accra, August 1, 2000). Also attending from the TUC were Mr. S. O. Nunoo-Quaye, head of the International Department, and Mr. James Anquandah, deputy head of the Organization Department.

[751] Interview with Kwasi Ampadu Yeboah and Alex Frimpong, industrial relations managers, Ghana Employers' Association, by U.S. Department of Labor official, Accra, August 4, 2000. Regional workshops were held in Accra, Takoradi, Kumasi, and Tamale.

[752] Ibid.

[753] *Combating the Trafficking in Children for Labour* at 29.

[754] Sackey interview.

[755] Acquaye interview.

[756] U.S. Embassy-Accra, unclassified telegram no. 003474, June 27, 2000 [hereinafter unclassified telegram 003473].

[757] Unclassified telegram 003473.

The government has supported a variety of initiatives to make education more affordable. The "Needy Child Fund" helps up to 50 children in each of Ghana's 110 districts qualify for help with basic school needs.[758] The government has allocated 2 million *cedis* (approximately US$340) to each district for this program.[759] The Ghana Education Service (GES) has emphasized girls' education and that enrollment for girls has improved.[760] The GES has also placed increased emphasis on making sure students progress from one school grade to another.[761] The Department of Social Welfare runs some vocational schools for the disadvantaged but, due to budget limitations, does not have formal programs to help these children attend school. [762]

Districts are responsible for providing school infrastructure and receive assistance from international NGOs and donors to construct new classroom facilities and infrastructure.[763] The World Bank is aiding districts to open approximately 80 new primary schools.[764] Other NGOs conduct school meal programs, provide in-service training to teachers, provide management training to district education officials, and help families defray the cost of children's school fees and other expenses.[765] The U.S. Agency for International Development (USAID) is also implementing an education program to reduce the dropout rate among girls. USAID reports increased evidence that individual communities are taking an active interest in their schools.[766]

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[758] Meeting of U.S. Department of Labor official with Mr. Emmanuel Acquaye, director of basic education, Ghana Education Service, August 1, 2000. Also attending were Chris Dokiuna-Hammond and Yaw Danso, deputy director of basic education.

[759] Acquaye interview.

[760] Ibid.

[761] U.S. Embassy-Accra, unclassified telegram no. 00042, January 2001.

[762] Interview with Bridget Katsriku, chief director, Ministry of Employment and Social Welfare (MESW), by U.S. Department of Labor official. Also present were Mr. J. Y. Amankrah, project manager, the SIMPOC child labor survey, and deputy director for statistics, MESW, Accra, August 2, 2000.

[763] Plan International, World Vision, and the European Union have helped with the provision of classroom facilities. Acquaye interview.

[764] Acquaye interview.

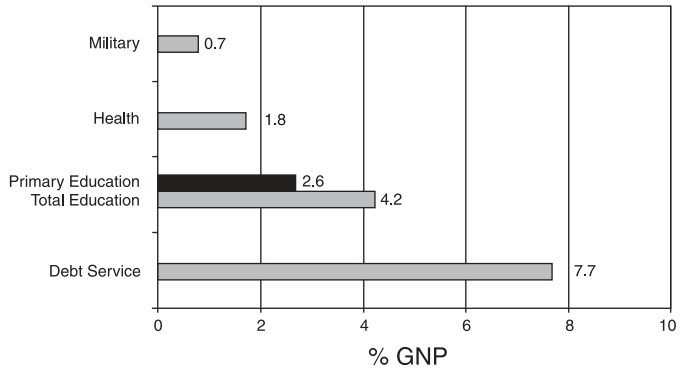
[765] Unclassified telegram 003473.

[766] Ibid.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[767]

Selected Government Expenditures as a Percentage of Ghana's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

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[767] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

GUATEMALA

1. Child Labor in Guatemala

In 1998, the International Labor Organization (ILO) estimated that 15 percent of children between the ages of 10 and 14 in Guatemala were working.[768] According to the National Census of 1994, an estimated 46 percent of Guatemala's population was under 15 years old, and more than 13 percent (500,000) of children between the ages of 7 and 15 work.[769] In 1994, working children represented approximately 12 percent of the total economically active population in the country.[770] A high percentage of working children in rural areas are members of the indigenous population, who comprise nearly half the total population of Guatemala.[771] Many children under the age of 14 work without legal permission and, increasingly, with falsified age documents. Such children generally receive no social benefits, social insurance, vacations, or severance pay, and earn below-minimum salaries.[772]

A majority of working children in Guatemala work in the informal sector and in agriculture. Most children who work in rural areas are not paid for their labor. Children of the rural poor frequently join other family members to work on family plots or as seasonal migrant laborers on commercial farms producing crops such as coffee and sugarcane.[773] Children are also employed in stone quarries, where they crush stones to make gravel. Children who work in stone quarries risk injury from flying shards of rock, suffer from muscular-skeletal problems associated with lifting heavy loads, and are susceptible to other risks stemming from harsh working conditions with few or no safety measures.[774]

Children also work as domestic servants, shoeshine boys, beggars, street performers, and in construction.[775] The Guatemalan Ministry of Labor estimates that between 3,000 and 5,000 children are employed in the fireworks industry.[776] Approximately 10 percent of the children in this industry work in factories, while younger children, under the age of 14, typically work in home-based workshops on piecework taken in by their families.[777] Children working in the

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[768] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[769] Government of Guatemala, National Census, 1994 National Statistics Institute (INE), 1996, as cited in *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala*, project document (Geneva: ILO-IPEC, 2001) [hereinafter *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala*].

[770] Ibid.

[771] Ibid.

[772] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001), Section 6d [hereinafter *Country Reports 2000—Guatemala*].

[773] U.S. Embassy-Guatemala City, unclassified telegram no. 01865, June 22, 2000 [hereinafter unclassified telegram 01865].

[774] *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala*.

[775] U.S. Embassy-Guatemala City, unclassified telegram no. 02084, July 17, 2000.

[776] *Country Reports 2000—Guatemala* at Section 6d.

[777] Ibid.

fireworks sector are exposed to explosive chemicals such as potassium nitrate and gunpowder, which can cause burns if ignited and deleterious health effects through prolonged exposure.[778] Most factories have inadequate safety and protective equipment, and home-based workshops generally provide no protective equipment.[779]

The Ministry of Labor has noted an increase in child prostitution in the towns along the borders with Mexico and El Salvador.[780] Thirty-six years of armed conflict has left an estimated 50,000 widows and 150,000 orphans, mostly within the indigenous population. Since many of those affected lost sources of income from the deaths of family members, they are vulnerable to being drawn into prostitution as a means of earning a living. There have been instances of women and children from El Salvador, Nicaragua, and Honduras being trafficked into Guatemala by organized rings for the purposes of prostitution. Guatemala has also been reported as a transit point for smuggling of persons into the United States.[781]

2. Children's Participation in School

In 1995, the primary net attendance rate was 69.8 percent,[782] and the primary net enrollment rate was 73 percent.[783] Approximately 50 percent of children in 1995 enrolled in primary school reached grade five. In 1997, primary gross enrollment was 88.1 percent, and primary net enrollment was 73.8 percent.[784]

School attendance tends to be lower in rural areas.[785] Many children who live in the rural areas are indigenous, and nearly one-half of the population of children who do not attend school are of indigenous heritage.[786] There is also a social separation in the schools between those who speak an indigenous language and those who speak only Spanish.[787] Though the Government of Guatemala is making efforts to reduce matriculation fees and other direct costs of education, the indirect costs of education, such as books, supplies, and uniforms, contribute to lower attendance by children of poor families.[788]

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[778] *Combating Child Labor in the Fireworks Sector of Guatemala*, project document (Geneva: ILO-IPEC, 1999).
[779] Ibid.
[780] *Country Reports 2000—Guatemala* at Section 6f.
[781] Ibid.
[782] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.
[783] *World Development Indicators 2000*.
[784] Ibid.
[785] *Country Reports 2000—Guatemala* at Section 5.
[786] Unclassified telegram 01865.
[787] Ibid.
[788] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Guatemala (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Guatemala*].

3. Child Labor Law and Enforcement

Article 102 of the Guatemalan Constitution prohibits minors under the age of 14 from being employed in any kind of work without authorization from the Ministry of Labor.[789] Article 102 also states that employers may not employ children under 14 in work that is incompatible with their physical capacity or likely to harm their moral health.[790]

According to the Labor Code, children younger than 14 may not work for more than six hours a day, and children between 14 and 18 years of age may not work for more than seven hours a day. Furthermore, minors under the age of 18 may not be employed in hazardous or unhealthy places.[791] Work permits may be issued for children under the age of 14, provided that the child is working due to conditions of extreme poverty, is engaged in light work that is not harmful to the child's physical or moral health, and is meeting the compulsory education requirements in some way.[792] The Ministry of Labor and Social Welfare is responsible for granting work permits to underage workers. Between 1995 and 1999, the Ministry granted only 507 permits to underage workers.[793]

The Childhood and Youth Code was drafted to support the implementation of the Convention on the Rights of the Child and established additional protections against economic exploitation for children. As of February 2000, however, implementation of this code has been suspended indefinitely.[794]

Although adult prostitution is not illegal in Guatemala, child prostitution is addressed under Penal Code Article 188, entitled "Corruption of Minors," which protects all minors under 18 years of age.[795] Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if minors are involved.[796]

Guatemala's law does not specifically prohibit trafficking of persons; however, various laws can be used to prosecute traffickers.[797] On January 23, 1999, a new immigration law came into effect, which makes alien smuggling a crime punishable by imprisonment.[798]

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[789] Gisbert H. Flanz, ed., *Constitutions of the Countries of the World* (New York: Oceana Publications, January 1997), 27 [hereinafter *Constitutions of the Countries of the World*].

[790] Ibid.

[791] Código de Trabajo de la Republica de Guatemala (Guatemala City: Ministerio de Trabajo y Previsión Social, 1996), 44, 51-53.

[792] Ibid.

[793] *Country Reports 2000—Guatemala* at Section 5.

[794] Ibid.

[795] U.S. Embassy-Guatemala City, unclassified telegram no. 002507, August 22, 2000.

[796] *Country Reports 2000—Guatemala* at Section 6f.

[797] Ibid.

[798] Ibid.

Guatemala ratified ILO Convention 138 on the Minimum Age for Employment on April 23, 1990, and ILO Convention No. 182 on the Worst Forms of Child Labor on October 11, 2001.[799]

4. Addressing Child Labor and Promoting School

a. Child Labor Initiatives

The Government of Guatemala signed a Memorandum of Understanding with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) in 1996.[800] In 1999, the Government of Guatemala adopted a National Plan of Action on Child Labor.[801] In 2000, a National Plan for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers was finalized by public and private sector stakeholders. Institutional weaknesses within the Ministry of Labor are being addressed through this National Plan.[802] In its' 2000-2004 agenda for social programs, the Government of Guatemala set a goal of reducing the incidence of child labor by 10 percent by 2004.[803]

The Government of Guatemala has collaborated with ILO-IPEC on several projects aimed at combating child labor. These projects are designed to remove children from exploitative work, prevent other children from entering child labor in the first place while promoting schooling and recreational opportunities, and develop economic alternatives for their families. The U.S. Department of Labor (USDOL) has provided funding to support IPEC projects in Guatemala, which include efforts to withdraw children from work in stone quarrying, the coffee sector, the fireworks industry, and broccoli cultivation. The USDOL has also provided funding to support a National Survey on Child Labor, developed by ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC), which was conducted in Guatemala in 2001.[804]

The Ministry of Labor has reached an agreement with the fireworks manufacturers whereby the manufacturers made a commitment not to hire children under the age of 14. The Ministry of Labor anticipates that this agreement will protect at least 2,000 children.[805]

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[799] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[800] *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala* [hereinafter *Progressive Eradication of Child Labor*].

[801] Ibid.

[802] *Country Reports 2000—Guatemala* at Section 6d.

[803] *Progressive Eradication of Child Labor*. See also *Country Reports 2000—Guatamala* at Section 6d.

[804] IPEC, *Statistical Information and Monitoring Program on Child Labor Central America*, project document (Geneva: ILO-IPEC, October 1999).

[805] Interview with Juan Francisco Alfaro, Minister of Labor for Guatemala, by U.S. Department of Labor official, August 16, 2000. In an effort to reduce accidents in home-based fireworks production, the president has issued a decree, which is expected to be approved in 2001, outlining safety and monitoring regulations to guide the production, storage, and sale of fireworks. Draft Presidential Decree, "Proyecto de Reglamento para la Importación, Almacenaje, Transporte, Uso y Comercialización de los Componentes para Fines de Fabricación de Pirotécnicos," 2000 [document on file].

b. Educational Alternatives

According Guatemala's Constitution (Article 74), schooling is compulsory and free from preschool to ninth grade. Children generally start preschool between the ages of 5 and 6 and enter the first grade of primary school at the age of 7. Children typically complete their compulsory education between the ages of 15 and 18.[806]

The Government of Guatemala became a member of the Education for All initiative in 1990, and subsequently developed a plan of action to realize the goals of the Initiative in 1991-1992. Since then the government has been working to progressively increase access to education and decentralize the provision and management of education.[807] The key concern of the government has been to improve the quality and relevance of education to children. The government has focused on improving curricula to increase literacy among Guatemalans with multilingual and inter-cultural education, and on promoting non-formal and vocational options for education. Institutionally, the goals have been to increase the budget of the Ministry of Education and optimize its efficiency by promoting increased stakeholder participation and decentralizing the management of education.[808] The recently released Government Plan for the Educational Sector for the years 2000-2004 continues to focus on these goals.[809]

Some of the programs established to address the educational needs of non-formal students fall under the auspices of Guatemala's "Extra-school" program. The "Extra-school" program uses correspondence courses and modified school hours to provide working children with a basic education. For example, one program allows students to complete 1,000 hours of school with no time restriction to get primary school certification. Another program involves mail correspondence education with no time restrictions for completion.[810] The Ministry of Education has tried to reduce the cost of education by providing a bag of school supplies to all children in primary school and eliminating matriculation fees for primary school.[811] During 1999, the Ministry of Education provided incentive scholarships to 46,000 girls in an effort to promote girls' education.[812]

In 1996, public spending on total education was 1.7 percent of Guatemala's gross national product (GNP).[813] In 1998, public spending on primary education as a percentage of GNP was 0.77 percent.[814] Public spending on primary education was about 51.8 percent of the total public expenditure on education.[815]

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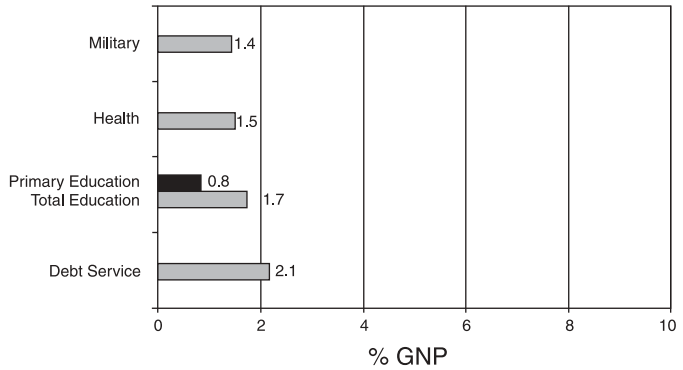
[806] *Constitutions of the Countries of the World* at 27.
[807] *Education for All: Year 2000 Assessment—Guatemala*.
[808] Ibid.
[809] Interview with Nery Macz, Guatemalan Ministry of Education, and Demetrio Cojti, vice minister of Education, by U.S. Department of Labor official, August 16, 2000.
[810] Ibid.
[811] Ibid.
[812] *Country Reports 2000—Guatemala* at Section 5.
[813] *World Development Indicators 2000*.
[814] *Education for All: Year 2000 Assessment—Guatemala*.
[815] Ibid.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[816]

Selected Government Expenditures as a Percentage of Guatemala's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[816] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

HAITI

1. Child Labor in Haiti

In 1998, the International Labor Organization (ILO) estimated that 24 percent of children between the ages of 10 and 14 in Haiti were working.[817] Children work as domestic servants and in streets trades, assist their families in subsistence agriculture, and are drawn into commercial sexual exploitation.[818] Child labor in Haiti is generally non-existent in the industrial and commercial agriculture sectors because of high adult unemployment.[819]

A 1997 UNICEF study estimated that there were some 250,000 to 300,000 child domestic workers in Haiti, 80 percent of whom were girls under the age of 14.[820] In Haiti, child domestic workers are commonly referred to as *restaveks*, a Creole word meaning "to stay with." They are among the most vulnerable and exploited of all children in Haiti. Isolated from family and peers, restavek children are largely unprotected from abuse.[821]

According to UNICEF, most restaveks reach the age of 15 without ever having been to school.[822] Most restaveks work 10 to 14 hours per day and do not receive any compensation for their work.[823] They are often psychologically and physically punished by the master or mistress of the house and sometimes even by their children.[824] Girl restaveks are sometimes sexually abused by the males in the employing families. If a girl becomes pregnant, she will generally be released into the streets. Many such girls become street children or prostitutes.[825]

In the neighboring Dominican Republic, between 10,000 to 14,000 Haitian workers are contracted annually to work in the sugarcane industry where Haitian children are found working, particularly in the Barahona province.[826]

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[817] *World Development Indicators 2000*.

[818] Interview with Cecile D. Francoise, vice president, Coalition Haitienne Pour La Défense des Droit de L'enfant (COHADDE), by U.S. Department of Labor official, August 3, 2000.

[819] U.S. Embassy-Port au Prince, unclassified telegram no. 003160, June 3, 1997.

[820] UNICEF, *The State of the World's Children, 1997* (New York: UNICEF, 1996), 30. *See also* "Haiti Faces Major Education Challenge," UNICEF Information Newsline, at www.unicef.org/newsline/99pr16.html.

[821] National Coalition for Haitian Rights (NCHR), *Our Hope for Our Children* (New York: NCHR, 1999).

[822] NCHR, "Helping Child Servants Who Are Virtual Slaves" (www.unicef.org/media/storyideas/946.htm), updated November 30, 2000; cited October 26, 2001.

[823] Ibid.

[824] Ibid.

[825] Statement by Jean Robert Cadet on Restavek Servitude before the United Nations Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights Working Group on Contemporary Forms of Slavery, 25th Session (Geneva, June 2000) [document on file].

[826] Interview with Agustin Vargas-Saillant, Domingo Jimenez, and Rufino Alvarez, Unitary Confederation of Workers (CTU and Futrazona), Dominican Republic by U.S. Department of Labor official, August 29, 2000.

2. Children's Participation in School

Between the years of 1994 and 1995, the primary gross attendance rate was 141.6 percent, and primary net attendance rate was 70.8 percent.[827] Recent estimates on primary school enrollment rates are unavailable.[828] However, 70 percent of the children in school are reportedly over-aged for their grade.[829] The majority of enrolled children drop out of school, sometimes several times.[830] In 1998, 64 percent of school children passed the primary school-leaving exam and completed grade five. By 1999 and 2000, this number had fallen to 45 percent.[831] On average, children complete six years of schooling when they are 18 years of age.[832] About 23 percent of children who attend school finish secondary school.[833]

Some 500,000 children in Haiti do not attend school.[834] Private institutions account for 90 percent of primary schools and 75 percent of primary school gross enrollment.

There are no fees to attend public school, but the cost of uniforms, books, and the required contribution of 50 gourdes (US$2) for the school year prevent many parents from sending their children to school.[835] Schooling costs per child account for as much as 15 percent of family income,[836] and students who attend private school must pay for tuition in addition to the costs for books, and uniforms.[837]

3. Child Labor Law and Enforcement

Haiti's Labor Code (Article 335) states that the minimum employment age in all sectors is 15 years, except in the case of children working in domestic service.[838] The Labor Code (Article 341) sets the minimum employment age for domestic work at 12 years of age. All working children between the ages of 15 and 18 must be registered with the Ministry of Social Affairs.[839]

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[827] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.
[828] *World Development Indicators.*
[829] Interview with Mr. Paul Bien-Aime, Minister of Education, by U.S. Department of Labor official (August 1, 2000) [hereinafter Bien-Aime interview].
[830] USAID, "FY2002 Haiti Activity Data Sheet" (http://www.usaid.gov/country/lac/ht/521-004.html), October 1, 2001 [hereinafter "FY2002 Haiti Activity Data Sheet"].
[831] Ibid.
[832] Bien-Aime interview.
[833] Interview with Ms. Lyne Godmaire, responsible for the Education Section, UNICEF, by U.S. Department of Labor official, August 2, 2000.
[834] Bien-Aime interview.
[835] Ibid.
[836] "FY2002 Haiti Activity Data Sheet."
[837] U.S. Embassy-Port au Prince, unclassified telegram no. 003035, October 31, 2000. *See also* Bien-Aime interview.
[838] *Country Reports on Human Rights Practices for 1999—Haiti* (Washington, D.C.: U.S. Department of State, 1999), Section 6d [hereinafter *Country Reports 1999—Haiti*].
[839]�ublic d' Haiti Ministère des Affaires Sociales, "Eléments d'Informations sur le Travail des Enfants" (Geneva: Haitian Mission to the United Nations), 1.

The Labor Code prohibits minors from working under dangerous conditions and prohibits children under the age of 18 from working at night in industrial enterprises. Penalties for child labor violations are 1,000 to 3,000 gourdes (US$42 to US$126).[840]

The Labor Code prohibits forced or compulsory labor, including forced or compulsory labor by minors.[841] Laws do not prohibit trafficking in persons.[842]

The Ministry of Social Affairs' Institute of Welfare and Research (IBESR) has the authority and the mandate to protect children. The IBESR has approximately 12 social service workers working throughout the Port-au-Prince Metropolitan area.[843]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In December 1999, the Government of Haiti signed a Memorandum of Understanding (MOU) with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC).[844] As part of Haiti's participation in ILO-IPEC, a National Steering Committee on child labor has been established, which is charged with preparing a national plan of action on child labor.[845]

The Ministry of Social Affairs implements a program called *SOS Timoun*,[846] under which the IBESR works in collaboration with the "Service de la Protection de Mineurs" to withdraw children from abusive households. Since its inception, the program has registered 250 calls from institutions, police commissariats, distressed children, individuals, and radio and television stations.[847] The program has withdrawn 240 children, including children in domestic work.[848] Of the child domestic servants withdrawn from abusive situations, 19 were sent to a receiving home or shelter, while 14 were reunited with their parents.[849]

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[840] *Code du Travail de la Republique D'haiti* (Port-au-Prince: Presses de L'université Quisqueya, December 1992), 143-46.

[841] *Country Reports 1999—Haiti* at Section 6d.

[842] Ibid.

[843] Interview with the Minister of Social Affairs, Madame Mathilde Flambert, and the Chef du Cabinet, Mr. Pierre Richard Painson, by U.S. Department of Labor official (August 3, 2000).

[844] ILO-IPEC, *Combatting the Exploitation of Child Domestics in Haiti,* Technical Progress Report, project no. INT/95/M05/USA, May 2000 [document on file].

[845] Electronic correspondence from ILO-IPEC Regional Office in San Jose, Costa Rica, to U.S. Department of Labor official, October 24, 2001 [document on file].

[846] Interview with the Minister of Social Affairs, Madame Mathilde Flambert and the Chef du Cabinet, Mr. Pierre Richard Painson, by U.S. Department of Labor official (August 3, 2000). *See also* electronic correspondence from Department of State official to Department of Labor official, October 13, 2000 [document on file].

[847] Electronic correspondence from Department of State official to Department of Labor official, October 13, 2000 [document on file].

[848] Ibid.

[849] Ibid.

With funding from the U.S. Department of Labor, ILO-IPEC is coordinating a 3-year country program in Haiti to benefit children working as domestic servants. The government and ILO-IPEC are also collaborating with nongovernmental organizations (NGOs) to conduct a survey on child domestic work. The survey on child domestics will provide qualitative and quantitative information which will be used to prepare a national plan of action to eliminate child domestic service.[850]

b. Educational Alternatives

Primary schooling is supposed to be free and compulsory in Haiti.[851] Haiti has launched a program called "Ed 2004" with funding from the U.S. Agency for International Development (USAID), the Inter-American Development Bank (IADB) and other donors to improve the quality of primary education. The Ed 2004 program has established a public private partnership commission to reform national educational policy in order to foster increased collaboration between private and public school and promotes resource sharing between schools.[852]

The Ed 2004 program also aims to address the needs of orphans and other at-risk children, to improve non-formal education, and to improve access to information and communications technology.[853] As part of ED 2004, a Food Aid program has been instituted in nearly 2,000 schools.[854]

The Ministry of Education works with NGOs to implement educational initiatives such as Gestion de Proximite. This initiative provides children with access to education and helps link schools to communities, by supporting the idea that schools should be open to parents and the community.[855]

From 1995 to 2000, the proportion of the national budget allocated to primary and secondary education increased from 13.5 percent to 20.1 percent.[856] In 2001, the Government of Haiti allocated 16 percent of its budget to the Ministry of National Education.[857]

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[850] ILO-IPEC, *Combatting the Exploitation of Child Domestics in Haiti*, ILO-IPEC project document, January 1, 1999 [document on file].

[851] *Country Reports 1999—Haiti* at Section 5. Bien-Aime interview.

[852] "FY2002 Haiti Activity Data Sheet."

[853] Ibid.

[854] Ibid.

[855] Bien-Aime interview. *See* PNEF Le Plan National d'Education et de Formation (Port au Prince, May 1998), 73.

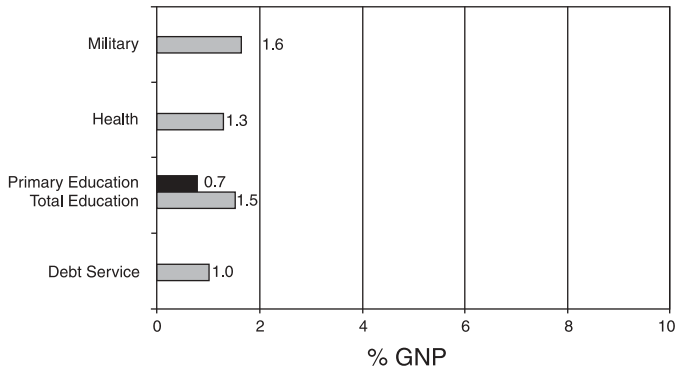
[856] Electronic correspondence from Department of State official to Department of Labor official, October 18, 2000 [document on file].

[857] "FY2002 Haiti Activity Data Sheet."

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[858]

Selected Government Expenditures as a Percentage of Haiti's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[858] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

HONDURAS

1. Child Labor in Honduras

Statistics on the number of working children vary widely in Honduras. In 1999, the International Labor Organization (ILO) indicated that 17.3 percent (820,834) of children between the ages of 10 and 14 were working.[859] In 1998, the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) estimated that some 240,000 children between the ages of 11 and 17 were working.[860] The National Commission for the Gradual and Progressive Eradication of Child Labor, an organization created by the Government of Honduras, estimated that in 1999, there were 350,000 children working, and that of these children, 161,000 were involved in agricultural activities.[861]

According to a study undertaken by the Ministry of Labor and Social Security in association with the United Nations Children's Fund (UNICEF) and the Honduran Institute for Childhood and the Family (IHNFA), approximately 97,000 children between the ages of 10 and 14, and another 260,000 adolescents between the ages of 15 and 18, have left school to work.[862] The study found that nearly one-half of all working children are employed in agriculture, cattle farming, or fishing, representing nearly 6.5 percent of the country's agricultural workforce.[863] About 20 percent of children work in the manufacturing, mining, electricity, gas, and construction sectors, constituting close to 3.5 percent of this sector's labor force. The remaining 30 percent of children work in commerce, transportation, finance, or service industries, accounting for 3.5 percent of the industry's workforce. Nearly two-thirds of working children work on family farms or for small family businesses and receive no compensation for their labor. Children between the ages of 10 and 14 who receive remuneration for their work earn, on average, between 100 and 500 Honduran Lempiras (US$ 6.75 and US$ 33.78) per month.[864]

Children in Honduras work as hired hands on small family farms, as street vendors, and in small workshops. They work in food processing factories where they may work with industrial knives and slicing machines.[865] Children work on coffee[866] and tobacco plantations,

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[859] International Labor Organization, *Yearbook of Labour Statistics* (ILO: Geneva, 1999).

[860] "Honduras Vows to Combat Child Labor," CNN/World/Americas, April 24, 1998 [hereinafter "Honduras Vows to Combat Child Labor"]; *see also* IPEC project document, *Prevention and Elimination of Child Labor in the Melon Plantations in Honduras* (Geneva: ILO-IPEC, October 2000), 2 [hereinafter *Prevention and Elimination of Child Labor*].

[861] *Diagnostic and National Plan to Gradually and Progressively Eliminate Child Labor*, Honduras, 2000, 3, 8 [hereinafter *Diagnostic and National Plan*].

[862] U.S. Embassy-Honduras, unclassified telegram no. 002159, June 19, 2000 (hereinafter unclassified telegram 002159].

[863] Ibid.

[864] Ibid.

[865] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), Section 6d (www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html) [hereinafter *Country Reports 1999—Honduras*].

[866] IPEC Progress Report, *Combating Child Labor in the Coffee Industry of Central America and the Dominican Republic* (Geneva: ILO-IPEC, October 2000), 17 [hereinafter *Combating Child Labor in the Coffee Industry*].

and melon farms.[867] They manufacture fireworks, and are involved in lime production, mining, and domestic service.[868] Children also work on building sites pushing wheelbarrows and operating power saws.[869] In the *maquila* sector over the past few years, there have been few reports of child labor. Children found working were using false work permits to bypass age regulations in the sector.[870]

Children are involved in prostitution, in many cases as part of sex tourism.[871] Government estimates show that nearly 40 percent of street children regularly engage in prostitution.[872] Honduran girls from Tegucigalpa, San Pedro Sula, and El Progreso have been found working in brothels in nearby Central American countries and in Mexico. Some of these minors have been victims of trafficking.[873] Children have also been used to peddle drugs. A recent report indicates that 200 Honduran children between the ages of 10 and 13 were involved in selling cocaine in Canadian cities.[874]

2. Children's Participation in School

Primary school attendance rates are unavailable for Honduras. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[875] In 1997, net primary school enrollment was 87.5 percent.[876] Only 60 percent of children, however, actually finish the sixth grade, and only about 35 percent reach the ninth grade.[877] The government estimates that up to 175,000 children fail to receive schooling of any kind each year because their families lack sufficient financial resources or because parents rely on

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[867] *Diagnostic and National Plan* at 5.

[868] Ibid.

[869] *Country Reports 1999—Honduras* at Section 6d; *see* www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html.

[870] Minimum age requirements have been raised in the *maquila* industry, with some plants now hiring only those above 18 years of age. This practice has reduced the number of legal job opportunities available to minors. *Country Reports 1999—Honduras* at Section 6d.

[871] According to the nongovernmental organization (NGO) Casa Alianza, Central America, including Honduras, has become a new destination for sex tourism, "Swiss Sex Tourist Arrested in Honduras," August 28, 1998, as cited in *The Global March Against Child Labor* (www.globalmarch.org/cl-around-the-word/swiss-sex-tourist-arrested-in-honduras.html).

[872] Approximately 50 percent (4,000) of street children do not have shelter on any given day. See *Country Reports 1999—Honduras.*

[873] "More Honduran Girls Prostituted," Reuters, February 28, 1998, as cited in *Factbook on Global Sexual Exploitation: Honduras* (www.uri.edu/artsci/wms/hughes/catw/honduras.htm).

[874] "Honduras Children Trafficked to Canada to Sell Drugs," Reuters Limited, September 24, 1998, as cited in *The Global March Against Child Labor* (www.globalmarch.org/cl-around-the-word/honduras-children-tragfficked-to-canada.html).

[875] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[876] *World Development Indicators 2000*.

[877] Electronic correspondence from Susan Fleck, U.S. Embassy Honduras, to U.S. Department of Labor official, February 15, 2001. The Government of Honduras has recently redefined basic education as compulsory through the ninth grade, raising the age to 16, as well as adding an obligatory pre-basic year; however, the law has not yet

their children's labor to meet family needs.[878] The Ministry of Labor, moreover, estimates that 97,000 children between the ages of 10 and 14 years of age have left school in order to work.[879] Poverty and lack of schools prevent many children in Honduras from receiving an education. Indirect costs, such as matriculation fees, school uniforms, and transportation costs also present barriers to many children.[880] The destruction of more than 3,000 schools nationwide in 1998 as a result of Hurricane Mitch affected many children in the country.[881] The Minister of Education has acknowledged the need for more teachers and for incentives to encourage teachers to work in rural areas.[882]

3. Child Labor Law and Enforcement

The Constitution of the Republic of Honduras (1982) prohibits the employment of children under the age of 16, except in cases when their labor is indispensable to the family's well being and does not interfere with schooling.[883] The Ministry of Labor may grant permission along with parental consent to allow minors to work.[884] Children under the age of 16 are prohibited from engaging in night work. They cannot work for more than 6 hours per day or a maximum of 30 hours per week.[885] The Honduran Children's Code prohibits a child 14 years of age or younger from working even with parental permission.[886] Employers hiring 15-year-old children must certify that they have completed or are in the process of completing their required years of schooling.[887] Individuals who allow children to work illegally are subject to prison sentences, ranging from three to five years.[888]

The Ministry of Labor and Social Security's Labor Inspections Division is responsible for investigating child labor violations. Currently, the Ministry has less than 30 inspectors

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been changed or put into practice. Electronic correspondence from Diane Leach and Marco Tulio, USAID/U.S. Embassy-Honduras, to U.S. Department of Labor official, April 6, 2001.

[878] *Country Reports 1999—Honduras* at Section 5 (www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html); see also *Prevention and Elimination of Child Labor* at 2.

[879] Unclassified telegram 002159.

[880] *Prevention and Elimination of Child Labor* at 2.

[881] *Background Notes: Honduras* (Washington, D.C.: U.S. Department of State, 1999) (www.state.gov/www/background_notes/).

[882] Meeting/interview with ILO-IPEC and Honduran Minister of Education, by U.S. Department of Labor official, August 30, 2000.

[883] *Constitución de la República de Honduras,* 1982, Chapter V, Article 128, Section 7 [hereinafter *Constitución,* Article 128]. Relevant Honduran laws protecting the rights of children are found in Chapter IV, Articles 119 through 126, of the Constitution; Articles 127 through 148 of the Labor Code; and in the entirety of the Code on Childhood and Adolescence, which defines the rights, liberties, and protection of minors, particularly as they relate to child labor. See *Constitución de la República de Honduras,* 1982, Chapter IV, Articles 119-26, and *Country Reports 1999—Honduras* at Section 5 (www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html).

[884] *Constitución,* Article 128. The Ministry of Labor annually grants a limited number of work permits to 15-year-old children. *Country Reports 1999—Honduras* at Section 6d (www.state.gov/www/global/human_rights/1999_hrp_report/honduras.html).

[885] *Constitución,* Article 128.

[886] *Country Reports 1999—Honduras*.

[887] Ibid.

[888] Ibid at Section 6d.

nationwide[889] and few vehicles for enforcement related travel.[890] Labor inspectors are often denied access to businesses and industrial parks when trying to conduct labor inspections.[891] The Ministry of Labor reportedly does not effectively enforce child labor laws outside of the *maquila* industry, and Labor Code violations are frequent in rural areas and in small companies.[892]

Article 148 of the Minor's Code criminalizes child prostitution. Children under the age of 18 are protected under this law against sexual exploitation, child prostitution, and child pornography.[893]

In September 1998, the Honduran Government established the National Commission for the Gradual and Progressive Eradication of Child Labor to coordinate all public activities to combat child labor and reincorporate working minors into educational programs.[894] The National Commission includes a number of public and private organizations including government ministries, official family welfare agencies, and local nongovernmental organizations (NGOs). It is charged with defining public policies through which the government can safeguard the rights of working children. It is also responsible for mobilizing civil society to combat child labor, and securing foreign assistance for government efforts in this area.[895]

The Government of Honduras ratified ILO Convention No. 138 on Minimum Age for Employment on June 9, 1980, and ILO Convention No. 182 on the Worst Forms of Child Labor on October 25, 2001.[896]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The National Commission for the Gradual and Progressive Eradication of Child Labor is the entity coordinating efforts of the government and civil society to combat child labor.[897] The Commission has six regional offices and consists of 175 people.[898] The National Commission is

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[889] Actuación de la Secretaría de Trabajo y Seguridad Social en La Prevencion y Solución de los Conflictos Laborales, Anexo 3: Tema: Labor Inspectiva (Tegucigalpa, Honduras, July 1999).

[890] Interview with Mr. José Navarro, Office of the Inspector General, by U.S. Department of Labor official, September 1, 2000.

[891] Ibid.

[892] *Country Reports 1999—Honduras* at Section 6d.

[893] U.S. Embassy-Honduras, unclassified telegram no. 002902, August 24, 2000.

[894] *Country Reports 1999—Honduras*.

[895] Unclassified telegram 002159.

[896] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[897] Informe, Trabajo Infantil en Honduras, Secretaría de Trabajo y Seguridad Social, June 2000. The Spanish Agency for International Cooperation (AECI) will assist the National Commission in collecting information on child labor in high-risk areas and on threats to the physical, mental, or intellectual well-being of children. AECI will also fund a national publicity campaign against child labor, including a children's theater. Unclassified telegram 002159.

[898] Unclassified telegram 002159.

researching the nature and extent of child labor in different sectors, drafting a national plan to combat child labor, adding a child labor module to the national household statistical survey, and supporting informational initiatives such as planning a national publicity campaign against child labor.[899]

In 1998, the government launched a program to remove children from work at building sites and factories and help them return to school. The program reached nearly 250,000 children employed in these sectors.[900]

With technical assistance from IPEC and funding from the U.S. Department of Labor, Honduras is targeting children working on melon farms in Choluteca, on coffee plantations in Santa Barbara, and on tobacco plantations in El Paraíso. In September 2000, a two-year ILO-IPEC program was initiated, which seeks to remove 960 children from full-time and hazardous work and prevent 240 children from entering work in the melon sector of the Department of Choluteca. The project aims to provide these children with health and social services and enroll them into schools, as well as assist 500 families with viable alternative income generation activities.[901] In November 1999, Honduras joined a regional ILO-IPEC project to remove 21,300 Central American children from full-time and hazardous work in the coffee sector and to provide the children and their 6,000 families with viable alternatives. In Honduras, this project will work to remove and prevent 1,200 children from work in the coffee plantations of Santa Barbara (Trinidad).[902] The Honduras National Institute of Statistics (INE) in consultation with the Secretariat of Labour and Social Security (STSS) will be conducting a National Survey on Child Labor with the assistance of ILO-IPEC's Statistical Information Monitoring Program on Child Labor (SIMPOC) to enumerate the number of working children between the ages of 5 and 17 in the country.[903]

UNICEF is helping the Government of Honduras to finance six regional centers to combat child labor by providing training for their 175 employees, 40 Labor inspectors, and 40 Ministry of Labor employees. UNICEF is also supporting the national public awareness campaign about child labor by producing an informational pamphlet and poster.[904] Save the Children Britain is providing assistance to focus groups in the Mosquitia region on the dangers faced by child divers.[905]

The San Juan Bosco Center Project supports efforts to eradicate child labor in the informal sector in the city of Tela, particularly targeting girl prostitutes and children working as garbage pickers. In the town of Comayeguela, a project carried out by the Alternatives and

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[899] Ibid.

[900] "Honduras Vows to Combat Child Labor."

[901] *Prevention and Elimination of Child Labor* at 7.

[902] *Combating Child Labor in the Coffee Industry* at 17.

[903] IPEC project status report, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labour and the Protection of Working Children in Central America* (Geneva: ILO-IPEC, October 2000).

[904] Unclassified telegram 002159.

[905] Ibid.

Opportunities Project (PAYO) is combating child labor in the informal sector, while Project Prodim is seeking to help girls involved in prostitution.[906]

b. Educational Alternatives

The María Auxiliadora Institute and Save the Children Honduras are providing informal education and vocational training to adolescents in domestic service in Tegucigalpa, Comayaguela, and other cities in the country, [907] and the World Bank approved a US$41.5 million loan in 2001 to expand access to quality preschool and primary education in rural areas of Honduras.[908]

In 2000, the Government of Honduras allocated 32 percent of its budget to public education and health care.[909] The *Education for All* Plan in Honduras aims to universalize primary education for six years, provide basic health and nutrition services to the primary school population, reduce the dropout rate, improve the quality of the curriculum, and strengthen the educational administration at departmental, municipal, and local level.[910]

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[906] Ibid.

[907] Ibid.

[908] World Bank, Honduras: World Bank Approves US$41.5 Million Credit to Improve Preschool and Primary Education at http://wbln0018.worldbank.org/external/lac/lac.nsf/c2e12c369e771d17852567d6006b402b/dd6630466c08d2fe852567de0059188d?OpenDocument

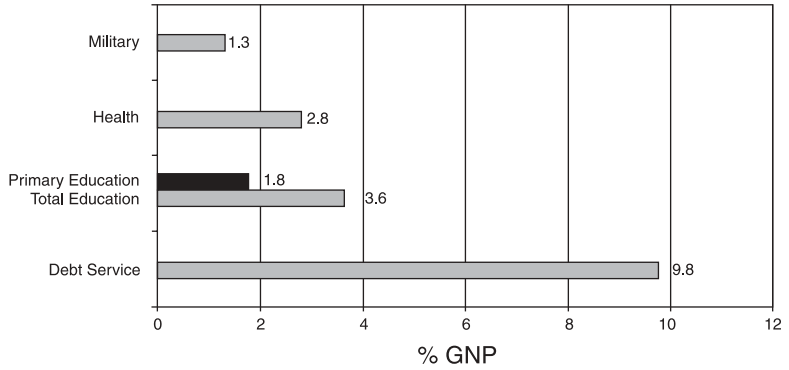
[909] *Country Reports 1999—Honduras* at Section 5.

[910] Unesco,12/07/01, Honduras:Evaluación del Plan Nacional de Acción de Educación Para Todos at http://www2.unesco.org/wef/countryreports/honduras/contents.html

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[911]

Selected Government Expenditures as a Percentage of Honduras's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[911] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

INDIA

1. Child Labor in India

In 1998, the International Labor Organization (ILO) estimated that 13 percent of children between the ages of 10 and 14 in India were working.[912] India's 1991 national census reported that 11.3 million out of the country's 210 million children between the ages of 5 and 14 worked, indicating a labor force participation rate of 5.4 percent. Some speculate that the number of working children is much higher than official statistics indicate, since one-half of all children ages 5 to 14 (105 million) were not enrolled in school.[913] Unofficial estimates from nongovernmental organizations (NGOs) and international organizations find that the number of working children ranges between 44 million to 55 million.[914] The recently concluded 2001 Census of India will update figures from the 1991 national census, including estimates of the number of children who are economically active in the country.[915]

Child labor is most common in rural areas and in the informal sector.[916] Children often work in hazardous industries or perform hazardous tasks. In the glass manufacturing industry of Firozabad, in northern India, children work under exploitative conditions in small workshops or private homes for low wages. Children weld the ends of glass bangle bracelets, sort bangles, engrave them on grinding wheels, and collect melted glass from boiling stations with iron rods.[917] In the leather tanning industry, children are exposed to corrosive chemicals and bacterial contamination from hides.[918] In the footwear industry of Agra, children work in small workshops and homes[919] for up to 12 hours per day and are exposed to glue fumes and other chemicals.[920]

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[912] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[913] D. P. Chaudhri, *A Dynamic Profile of Child Labour in India*, as cited in UNICEF press release, "Child Labour in India" (New Delhi: UNICEF Information Service, 1996), 1-2. Some NGOs, like the Bangalore Centre for Concern for Working Children, developed estimates that take into account the official number of children out of school, as stated in S. Sinha, *Collection and Dissemination of Data on Child Labour in Asia* (Bangkok: ILO-IPEC, 1998), Table 1, 107 [document on file].

[914] U.S. Embassy-New Delhi, unclassified cable no. 01401, February 20, 1998.

[915] "Census of India," Registrar General and Census Commissioner, India (www.censusindia.net/).

[916] States with high child labor rates include Andhra Pradesh, Madhya Pradesh, Maharashtra and Uttar Pradesh. *Annual Report 1996-97* (New Delhi: Ministry of Labour, 1997), 100 [hereinafter *Annual Report 1996-97*]. These statistics are based on data from the 1991 census.

[917] Lakshmidhar Mishra, *Child Labour in India* (London: Oxfam University Press, April 2000), 50-57 [hereinafter *Child Labour in India*]. The data are based on a 1992 study of the industry performed by the Giri Institute of Development Studies, Lucknow. Firozabad is located in Uttar Pradesh.

[918] "Children in Hazardous Work," fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998) [hereinafter "Children in Hazardous Work" fact sheet]. See also *By the Sweat and Toil of Children: Consumer Labels and Child Labor*, vol. 4 (Washington, D.C.: U.S. Department of Labor, 1995), 70-73 [hereinafter *By the Sweat and Toil of Children*, vol. 4].

[919] Interview with Abhinay Prasad, Secretary, AADHAR (Welfare Society) [hereinafter Prasad interview], and R. K. Pandey, regional director, Council for Leather Exports, by U.S. Department of Labor official, May 17, 1998. Children are reportedly not employed by companies producing shoes directly for the export market, although it is

Child labor is used in the labor-intensive hand-knotted carpet industry in India, where children frequently work in confined, dimly-lit workshops and may develop respiratory illnesses and spinal deformities from long hours crouched at the looms.[921]

In the stone quarries of the southern state of Tamil Nadu, children break stones into small pieces and carry explosives.[922] In the stone quarries of Faridabad outside New Delhi, children work seven days a week assisting their parents; few are able to attend school.[923] Children also labor in brick-kiln operations and the construction industry.[924]

In the gemstone industry, children work in private homes or small workshops.[925] The International Labor Organization (ILO) estimates that at least 20,000 children are involved in processing diamonds by cutting and polishing the stones in hazardous conditions.[926]

Anti-child labor groups calculate that the fireworks industry employs about 50,000 children, primarily girls, some as young as 10 or 11 years old.[927] Children also stitch and assemble soccer balls, volleyballs, and boxing and cricket gloves in their homes or at small stitching centers.[928]

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unclear whether shoes and shoe parts produced under subcontracting arrangements in the cottage industry are destined for the domestic or export market. Agra is located in the state of Uttar Pradesh, south of New Delhi.

[920] Prasad interview.

[921] See *By the Sweat and Toil of Children: The Use of Child Labor in U.S. Agricultural Imports and Forced and Bonded Child Labor,* vol. 2 (Washington, D.C.: U.S. Department of Labor, 1995), 85-94 [hereinafter *By the Sweat and Toil of Children,* vol. 2], and *By the Sweat and Toil of Children,* vol. 4, at 19-22.

[922] Frequent accidents sometimes result in lost limbs and even death. Interview with S. P. Gnanamoni, Secretary of the Quarry Workers Development Society, Dindigal, by U.S. Department of Labor official, May 7, 1998. *See also* interview with Isabel Austin, State Representative for UNICEF for Tamil Nadu and Kerala, by U.S. Department of Labor official, May 5, 1998 [hereinafter Austin interview].

[923] "Children in Mining and Quarries" fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998).

[924] Interview with R. K. Rai, executive secretary, U.P. Voluntary Health Association, by U.S. Department of Labor official, May 8, 1998. See also *By the Sweat and Toil of Children,* vol. 2, at 104-8, and "Children in Hazardous Work" fact sheet, and Austin interview.

[925] In small shops on the back streets of Jaipur in northern India, where most gems are processed, children sort, clean and polish semiprecious stones for eight to 10 hours a day. *Precious Lives: Child Labour and Other Labour Rights Violations in the Diamond and Gemstone Industry* (Geneva: ILO and the Universal Alliance of Diamond Workers), updated June 16, 1998 (www.ilo.org/public/english/dialogue/actrav/child/proj/childiam.htm), in the "Child Labour in the Diamond Industry" fact sheet [hereinafter *Precious Lives: Child Labour and Other Labour Rights*]. *See also* interview with Amar Nath, director of Inter Gold (India) Limited, and others, by U.S. Department of Labor official (May 12, 1998) and notes from the site visit by U.S. Department of Labor officials to Jaipur, May 15, 1998, for eyewitness accounts of conditions in the gemstone workshops.

[926] India is a large producer of processed diamonds, which are typically mined in other countries and exported to India for processing. See *Precious Lives: Child Labour and Other Labour Rights*. For details on a study funded by India's Gem and Jewelry Export Promotion Council (GJEPC) that found a significant decrease in the incidence of child labor in India's diamond processing sector, s*ee* "Final Report: Follow-up Study on Prevalence of Child Labour in Diamond Cutting and Polishing Industry in India" (Mumbai: A. F. Ferguson & Co., June 1998).

[927] Jill McGivering, "Festival of Lights without Fireworks" (http://news6.thdo.bbc.co.uk/hi/english/world/south%5Fasia/newsid%5F990000/990606.stm); cited October 25, 2000.

[928] *A Sporting Chance: Tackling Child Labour in India's Sports Goods Industry* (London: Christian Aid, 1997), 4.

Small hotels, restaurants, and tea shops employ children to work in kitchens, clean dishes and utensils, serve customers and perform menial tasks. Children work six days a week, usually for about 12 hours a day.[929] In circuses, children are forced to perform for three to four shows a day, risking their lives in often dangerous activities.[930] It is estimated by NGOs that at least 14 million working children under the age of 13 are employed as domestic servants.[931]

There are reports of bonded child labor in several sectors, including the carpet manufacturing industry,[932] agriculture (particularly on small-scale, rural farms),[933] and in the construction industry.[934]

India is a source, destination and transit country for trafficking victims. Children from India are trafficked to countries in Asia, the Middle East, and the West.[935] Thousands of women and children are trafficked into the country annually, destined for the sex trade. Nepal and Bangladesh are primary sender countries for children trafficked into India. Trafficking victims are subject to extortion, physical abuse and rape. It is estimated that out of the country's 2.3 million prostitutes, 15 percent (345,000) are children. Other trafficking victims in the country are pressed into forced labor or domestic service. Young boys are known to be trafficked from India to the Middle East to serve as camel jockeys.[936]

2. Children's Participation in School

Approximately 59 percent of children between the ages of 5 and 14 attend school.[937] Primary school net enrollment rates remained relatively steady between 1995 and 1997, standing

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[929] Interviews conducted at the Peace Trust School, Dindigul with 33 children ages 9-15 and 10 school officials and teachers, by U.S. Department of Labor officials, May 7, 1998.

[930] Roy Mathew, "India: Total Ban on Child Labour Likely," *The Hindu* in World Reporter,™ Asia Intelligence Wire, Friday, October 6, 2000 [hereinafter "India: Total Ban on Child Labour Likely"].

[931] "Future in Chains," *Pioneer*, New Delhi; *see* www.globalmarch.org/cl-around-the-world/index.html; cited December 31, 1999. A study in Tamil Nadu showed that 26.5 percent of child domestic workers are employed by government staff (*see* Ramya Kannan, "India: Study Shows Lack of Follow-up Action," *The Hindu* in World Reporter Asia Intelligence Wire (Wednesday, September 20, 2000). In July 2000, the government banned its employees from using child domestic servants. See *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001), Section 6d [hereinafter *Country Reports 2000—India*].

[932] *By the Sweat and Toil of Children*, vol. 2, at 85-94; *By the Sweat and Toil of Children*, vol. 4, at 19-22.

[933] *By the Sweat and Toil of Children*, vol. 2, at 125-32. Bonded labor in the farm sector occurs when landless peasants and tenant farmers must turn to landlords for loans in the form of cash or food, to be repaid with labor. Instead of decreasing with the time worked, however, the loans often increase, and bondage becomes a way of life for generations.

[934] Austin interview. A 1996 Human Rights Watch report found bonded child labor in the silk industry, in the production of bidis, carpets, silver, synthetic gemstones and leather products, and in agriculture; *see The Small Hands of Slavery: Bonded Child Labor in India* (Human Rights Watch, U.S., September 1996), available at www.hrw.org/hrw/reports/1996/India3.htm. See also *Country Reports 2000—India*.

[935] Department of State, Victims of Trafficking and Violence Protection Act 2000: Trafficking in Persons Report, Washington, D.C., 2001, 51.

[936] *Country Reports 2000—India* at Section 6f.

[937] Ibid. at Section 5.

at 77.2 percent in 1997.[938] Only 52 percent of children who enroll in primary education, however, reach grade five.[939]

Access to educational facilities is limited for some children in rural areas. The need to purchase uniforms and textbooks, as well as other associated costs, discourages many children from attending school.[940] Large concentrations of the estimated 32 million children who have never attended school come from the impoverished states of Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh.[941]

There is a significant gender gap in school enrollment and attendance nationally, particularly at the secondary level, with families tending to place higher priority on boys' education.[942] In 1997, the net primary school enrollment rate was 83 percent for boys and 71 percent for girls.[943] The enrollment gap grows at the secondary level, with gross enrollment rates of 59 percent for boys and 39 percent for girls.[944]

3. Child Labor Law and Enforcement

India has laws restricting work by children and limiting the sectors and activities in which children may legally work. The Child Labor (Prohibition and Regulation) Act of 1986, which was extended in 1999 to encompass more employment activities, prohibits the employment of children under 14 years old in 13 occupations and 51 work processes.[945] These include carpet weaving, any work involving soldering in electronics, cement manufacture, work in slaughterhouses, and the manufacturing of matches, explosives, fireworks, and *bidi* cigarettes.[946] While child labor in the specified sectors and activities is prohibited, children are permitted to work up to six hours per day in other sectors.[947]

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[938] *World Development Indicators 2000*.

[939] *The State of the World's Children 2001* (New York: UNICEF, December 2000), 91, Table 4 [hereinafter *The State of the World's Children 2001*].

[940] Ministry of Human Resources Development, Education for All (EFA) 2000 [online], Country Report, India, Section 2 (www2.unesco.org/wef/countryreports/india/contents.html) [hereinafter EFA 2000].

[941] "Children March To Go to School" (http://news6.thdo.bbc.co.uk/hi/english/world/south%5Fasia/ newsid%5F700000/ 700342.stm); cited April 3, 2000.

[942] *Convention on the Rights of the Child*, Country Report for India (New Delhi: Ministry of Human Resource Development's Department of Women and Child Development, February 1997), Sections 4.15-4.17; available from: http://wcd.nic.in/ CRCFEBmr.htm [hereinafter *Convention on the Rights of the Child*]. According to EFA 2000, in 1993 more than 16 percent of rural populated areas did not have access to a primary school within one kilometer of the area; however, the government initiated various responses, such as an Education Guarantee Scheme in Madhya Padesh, to facilitate community involvement in starting schools and maintaining high usage of them (more than 19,000 schools were started) through September 1998. The report also indicates that access to education may not ensure that schools are well utilized, noting that Bihar, which has a low percentage of the population without access to primary schools, has the lowest literacy rate of any state in India.

[943] *World Development Indicators 2000*.

[944] *The State of the World's Children 2001*. However, EFA 2000, Section 2, states that throughout the 1990s enrollment of girls grew in India at a much faster rate than for boys, although it still lags behind boys.

[945] Unclassified telegram, 6/22/00. The occupations and processes in which children cannot work were expanded from 7 and 18, respectively.

[946] *Annual Report 1996-97*.

[947] Ibid. at 99.

In 1996, India's Supreme Court established a penalty of 20,000 rupees (US$570) 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.[948]

Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976, however enforcement by state and local officials is weak and prosecutions rarely occur. [949] The Prevention of Immoral Trafficking Act (PITA) of 1986 is the principal law applied to the trafficking of children and prostitution. The act establishes procedures for interviewing, protecting and rehabilitating girls rescued from brothels and establishes penalties for the trafficking of children.[950]

The enforcement of child labor laws falls under the jurisdiction of state-level labor ministries, but implementation of the law is limited.[951] India's National Human Rights Commission (NHRC) found that labor inspectors often conduct poor quality inspections; prosecutions are faulty; medical officers charged with determining the ages of working children frequently falsify reports at the behest of employers; and the efforts of employers and employers' associations to address problems are often unsuccessful.[952]

Some employers, such as hotel owners and circuses, reportedly violate laws prohibiting night work by children with impunity. Hotels often escape punishment by producing false certificates stating that their workers are age 14 or above.[953]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In August 1987, the government established National Child Labor Projects (NCLPs) in 12 states with a high proportion of working children, along with a national policy on child labor.[954] In 1994, then-Prime Minister Rao announced a national program to combat child

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[948] *Country Reports 2000—India* at Section 6d. See Also *Child Labor in India*, IPEC India Briefing Note, 2-3 [document on file]. The 1996 Supreme Court decision established a fund to be created from the proceeds of this fine to provide supplemental income to parents and guardians of child workers on the condition that the children be sent to school. The Court also ordered that a survey of the child labor situation in the country be conducted.

[949] *Country Reports 2000—India* at Section 6c.

[950] Ibid. at 6f.

[951] For example, in 1998 the large state of Tamil Nadu had only 29 labor inspectors on staff to monitor all labor laws. Interview with D. Sarangi, Secretary of Labor, Tamil Nadu, by U.S. Department of Labor official, May 6, 1998. There are allegations that inspectors receive bribes or other benefits from enterprise owners in exchange for lenient inspections. Interview with child laborer in Dindigal, by U.S. Department of Labor official, May 8, 1998.

[952] Interview with R. V. Pillai, Secretary-General, National Human Rights Commission, by U.S. Department of Labor official, May 4, 1998.

[953] "India: Total Ban on Child Labour Likely."

[954] *Vocational Training for Children in NCLP Schools*, Report of a Workshop on Vocational Training for Children in NCLP schools (Noida: National Resource Center on Child Labor, V. V. Giri National Labor Institute, 1998), 61 [hereinafter *Vocational Training for Children in NCLP Schools*]. According to the government, 94 child labor

labor.[955] These projects provide children with nonformal education, health care, nutrition, and vocational skills training.[956] The projects are implemented by NGOs, with the government covering up to 75 percent of the project costs.[957]

India became a member of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) in 1992. The ILO-IPEC country program has reached more than 90,000 children in India since its inception and was renewed in January 2000 for a further two years.[958] In August 2000, the United States and India signed a Joint Statement committing both countries to support new ILO-IPEC projects aimed at reducing the incidence of child labor in 10 selected hazardous industries. The targeted sectors include bidis, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, stone quarries, and silk. The project, which is scheduled to begin activities in January 2002, will also include a review of existing efforts underway in the carpet industry.[959]

Soccer ball manufacturers in India, under the auspices of the Indian Sports goods Manufacturers and Exporters Association, have developed plans for a project to phase out employment of children in soccer ball stitching and ensure their attendance in school. Under the proposed plan, a new foundation, funded by exporter contributions, will promote education and ensure that underage working children are replaced by older siblings or parents.[960]

In 1992, India was one of four countries selected to participate in an ILO-sponsored experimental survey. The survey, which comprised both household surveys and enterprise surveys, was conducted in two districts of Gujarat state.[961]

b. Educational Alternatives

India has no national laws establishing mandatory schooling.[962] Legislation at the state and/or provincial level establishes compulsory primary education in 14 of the 24 states and four Union territories.[963]

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projects were established by February 2001, as stated in "Social Sectors: Labour and Employment," *Economic Survey 2000-2001* (India: Ministry of Finance, February 2001) (www.indiabudget.nic.in/es2000-01/social.htm).

[955] Written Submission by the Embassy of India, *Public Hearings on International Child Labor* (Washington, D.C.: U.S. Department of Labor, 1998), 3 [hereinafter *Public Hearings on International Child Labor*].

[956] *Vocational Training for Children in NCLP Schools*.

[957] Submission of Embassy of India at 9-10.

[958] Unclassified telegram, 6/22/00.

[959] "Preventing and Eliminating Child Labour in Identified Hazardous Sectors" (Geneva: ILO-IPEC, September 2001).

[960] *Operation Education: A Commitment to Rehabilitate Children under 14 Involved in Stitching Footballs* (Jalandhar: The Sports Goods Manufacturers and Exporters Association, 1998), 2-3 [document on file].

[961] Child Labour Surveys: Results of Methodological Experiments in Four Countries, 1992-1993 (Geneva: International Labor Office, 1996) (www.ilo.org/public/english/standards/ipec/simpoc/stats/child/surveys.pdf), 7-8.

[962] *Public Hearings on International Child Labor*.

[963] These states and union territories are Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry, and the Andaman and Nicobar Islands. See *Public Hearings on International Child Labor* and *UNESCO Statistical Yearbook 1997*, Table 3.1, 3-10, 3-14.

Under the NCLP projects, 1,800 nonformal schools have been opened and approximately 105,000 children have been enrolled in these schools.[964] In response to lessons learned and budget constraints, some NCLP centers are being consolidated by increasing funding to areas with high levels of child labor and other under-utilized centers are being closed.[965]

The Ministry of Human Resource Development operates several education programs. The Ministry's Department of Women and Child Development's Early Childhood Education (ECE) Program began in 1987 and targets pre-school-aged children in nine states with low educational achievement statistics. The Ministry's Department of Education has various programs to improve the quality of education.[966] Many non-formal education programs focus on children with special needs such as working children. The programs provide part-time instruction with locally relevant curricula.[967] The government has also organized special camps to provide girls with the necessary assistance to meet their educational needs. Thirty-two Indian states and territories have taken similar measures to promote girls' education.[968]

In Andhra Pradesh, the state with the highest number of working children, the M. Venkatarangaiya (MV) Foundation, an NGO established in 1990, operates a multi-faceted program to enroll and keep children in schools, increase parental support for their children's education, improve existing government schools, and put pressure on political leaders at all levels to make education more accessible to children.[969] In 1997, Andhra Pradesh began a program to identify and enroll children who have never attended school or who dropped out of school at young ages. Special emphasis is placed on bonded children, children working as domestic servants, and children from socially disadvantaged groups.[970]

Both national and state governments contribute to educational expenses. Although no combined figure is published, approximately 5.9 percent of the national budgets goes to education.[971] In 1996, education spending was 3.2 percent of the country's gross national product (GNP),[972] while primary education spending was approximately 1 percent.[973]

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[964] *Child Labour in India*.

[965] U.S. Embassy-New Delhi, unclassified telegram no. 07257, September 4, 1998.

[966] *Convention on the Rights of the Child*.

[967] ESA 2000 at Section 2.

[968] "Committee on Rights of Child Continues Consideration of Report of India" (www.unhchr.ch/huricane/huricane.nsf/(Symbol)/HR.CRC.00.4.En?OpenDocument) (HR/CRC/00/411, January 2000).

[969] *Annual Report 1997-98* (Hyderabad: M Venkatarangaiya Foundation, April 1998), Annex V. *See also* Reaching the Unreached (Secunderabad: M. Venkatarangaiya Foundation, n.d.) [informational booklet on file]. According to *Reaching the Unreached*, the program began in 1991 with 68 students in three villages. The *MV Foundation Annual Report* (page 2), states that, to date, the program is credited with the enrollment and retention of about 80,000 children in school. Between March 1997 and April 1998, 30,000 children were enrolled. To cope with the large increase in enrollment, the MV Foundation mobilized and trained 1,640 education activists to assist the existing 1,470 government school teachers.

[970] Interview with S. Ray, principal secretary, Department of Social Welfare, Andhra Pradesh, by U.S. Department of Labor official, May 14, 1998.

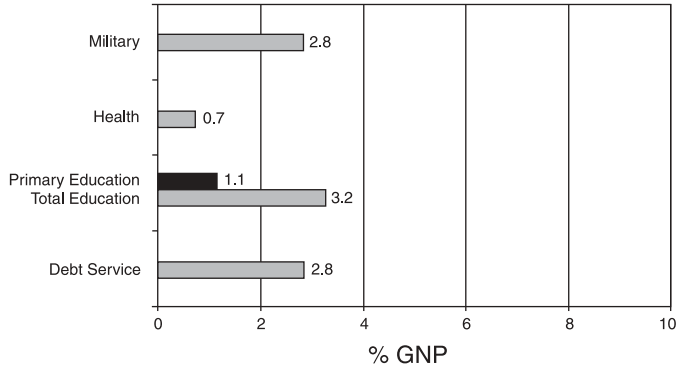
[971] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001), Section 5 [hereinafter *Country Reports 2000—Indonesia*].

[972] *World Development Indicators 2000*.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[974]

Selected Government Expenditures as a Percentage of India's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[974] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

INDONESIA

1. Child Labor in Indonesia

In 1998, the International Labor Organization (ILO) estimated that 8.5 percent of children between the ages of 10 and 14 in Indonesia were working.[975] According to the 2000 assessment by the Indonesian Central Bureau of Statistics (BPS), approximately 2.3 million children between the ages of 10 and 14 were economically active. However, this does not include children who worked in the informal sector.[976] Almost 40 percent worked on the islands of Java and Bali, according to data compiled by the National Child Protection Commission.[977] A 1999 National Socioeconomic Survey found that 10 percent of children between the ages of 10 and 14 worked.[978] The World Bank estimates that between 2.3 to 2.9 million children work in Indonesia's informal and industrial sectors alone (excluding agriculture).[979] According to BPS data, more boys in the 10- to 14-year age group tend to work than girls of the same age.[980]

Child labor is prevalent in rural areas where the majority of children work in agriculture.[981] Researchers have noted that in the period prior to the Asian Economic Crisis (1970-1996) national rates on children's labor force participation had been declining. However, while children's labor force participation rates were falling in rural areas, they climbed in urban areas.[982]

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[975] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[976] Irwanto, Fentiny Nugroho, and Johanna Debora Imeldak, *Trafficking of Children in* Indonesia (Jakarta: ILO-IPEC, 2001), 25.

[977] Jakarta Post, August 9, 2001, as cited in Electronic Correspondance from U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, April 24, 2002 [hereinafter Jakarta Post].

[978] P. Irwan, H. Hendriati and Y. Hestyani, *Alternative Education Strategies for the Young Disadvantaged Groups in Indonesia* (Jakarta: UNESCO, 1999), as cited in Peter Stalker, *Beyond Krismon: The Social Legacy of Indonesia's Financial Crisis* (UNICEF Innocenti Research Centre, Italy, December 2000), 20 [hereinafter *Beyond Krismon*]. However, given the percentage of children out of school, some analysts suggest that a more likely figure is 20 percent.

[979] Irwanto, Mohammad Farid, and Jeffry Anwar, *Situational Analysis of Children in Need of Special Protection in Indonesia* (Jakarta: CSDS Atma Jaya, Department of Social Affairs, and UNICEF, 1998), 2 [hereinafter *Situational Analysis of Children in Need*].

[980] Some theorists find that this trend is unlikely, as it is contradicted by education rates of participation in which girls drop out of school earlier and at higher rates than boys. *Indonesian Experience with Child Labor* at 19-20.

[981] 1997 Central Bureau of Statistics data, as cited in *Challenges for a New Generation: The Situation of Children and Women in Indonesia, 2000* (Jakarta: Government of Indonesia and UNICEF, September 2000), 140-41 [hereinafter *The Situation of Children and Women in Indonesia*].

[982] *Situational Analysis of Children in Need* at 56. See also *Indonesian Experience with Child Labor* at 19-20, which states that participation of children in the workforce decreased between 1977 and 1996, while it has increased in urban areas. In fact, participation rates by girls ages 10 to 14 in the urban workforce have more than doubled. Additionally, while data are not yet available, the Asian crisis is presumed to have had a significant impact on child labor. Ten million workers lost their jobs, and the rupiah radically devalued, particularly impacting the poor. For further discussion of this issue, *see* Henri Sitorus and Yayasan Handal Mahardika, "The Economic Crisis and Child Workers in Indonesia: The Case of Child Plantation and Industrial Workers in North Sumatra"; *see* www.cwa.tnet.co.th/booklet/Indonesia.html.

Children also work in industries such as furniture, garment and footwear manufacturing, food processing, toy making, and small mining operations.[983] In North Sumatra, boys work on fishing platforms called *jermals* between 12 to 13 hours per day for periods of up to three months in often dangerous conditions. These children face threats of physical and sexual abuse, injury from fishing nets, poisonous snakes in the ocean, and the possibility of falling into the sea and drowning.[984] Children also split and dry fish, gather shellfish, shell shrimps, crabs and other kinds of shellfish.[985]

Many children work on plantations on an informal basis. On palm oil plantations, they apply pesticides and clear and collect palm oil seeds.[986] On sugar plantations, they cut, plant and harvest the cane. Children on tobacco plantations use insecticides, and fertilize plants, while on cacao plantations children harvest and clear trees.[987]

A 2000 report by the Government of Indonesia and the United Nations Children's Fund (UNICEF) found an increase in the incidence of children working in exploitative and hazardous activities such as garbage scavenging, domestic servitude and prostitution.[988] Other children work in the informal sector in newspaper sales, shoe shining, car parking, and begging.[989] A recent study by the National Child Protection Commission suggests that about 40,000 to 50,000 children live on the streets in Indonesia's cities where they are at risk of sexual abuse and prostitution. Many of them do not attend school.[990]

According to a 1999 Central Bureau of Statistics survey, up to 3 million persons in Indonesia work as domestic servants, of which 310,378 are between the ages of 10 and 18 years old.[991]

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[983] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, February 2000), 1150-51 [hereinafter *Country Reports 1999—Indonesia*].

[984] *ILO-IPEC Programme to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines (Phase 1)*, project document (Geneva: ILO, 1999), 2-3.

[985] Chairil Chaniago, "Girl Workers in the Fisheries Sector in Belawan," in *Child Workers in Asia* (Bangkok: Child Workers in Asia, vol. 16, no. 2, May-August 2000), 12-13.

[986] On one plantation, owned by the state of Indonesia, children living near the plantation make up almost 30 percent of the 1,500 workers. They work roughly the same hours as adults but are paid much less. *See* Henri Sitorus and Yayasan Handal Mahardika, "The Economic Crisis and Child Workers in Indonesia: The Case of Child Plantation and Industrial Workers in North Sumatra" at (www.cwa.tnet.co.th/booklet/Indonesia.htm) [hereinafter "Economic Crisis and Child Workers in Indonesia"].

[987] "Economic Crisis and Child Workers in Indonesia. *See also* interview with SBSI labor union officials, by U.S. Department of Labor official, October 13, 2000, and interview with Dr. Soedarti Surbakti, director general of BPS, Statistics Indonesia, by U.S. Department of Labor official, October 9, 2000, who finds the rate of child work in agriculture is declining. Dr. Surbakti said that only about 58 percent of child laborers are working in agriculture today [hereinafter Surbakti interview].

[988] *The Situation of Children and Women in Indonesia* at vi.

[989] U.S. Embassy-Jakarta, unclassified telegram no. 003129, June 28, 1999 [hereinafter unclassified telegram 003129].

[990] Jakarta Post.

[991] ILO, *Trafficking of Children in Indonesia*, 34, as cited in Electronic Correspondance from U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, April 24, 2002 [hereinafter Electronic Correspondance 4/24/02]. A 1995 survey estimated roughly 700,000 children below age 18 at work as domestic servants in Jakarta; *see* Blagbrough, *Child Domestic Work in Indonesia: A Preliminary Situation Analysis* (London:

The conflicts in Indonesia have also contributed to the increase of child labor because of the economic impact it has had on the country. Children are forced to work in order to help support their families. In some cases, children have been recruited as child soldiers in armed conflicts.[992] The Medical Emergency Rescue Committee (MER-C) estimates that 7,000 children have dropped out of school in order to work, including some girls who engage in prostitution to meet basic needs.[993]

A recent study found widespread involvement of children in prostitution in Indonesia. An estimated 30 percent of all children in prostitution are under the age of 18 (between 40,000 to 70,000 children).[994] Prostitution is particularly prevalent on the islands of Riau province, where the clientele is often international.[995]

Trafficking of children is a growing problem.[996] Children, primarily girls, are trafficked into prostitution both within Indonesia and to international destinations that include Malaysia, Singapore, Brunei, Persian Gulf countries, Hong Kong, Australia, Taiwan, South Korea, and Japan. There are also reports of children sold into marriage by their parents and trafficked to other countries.[997]

2. Children's Participation in School

In 1997, the primary net attendance rate was 88.4 percent,[998] and the primary net enrollment rate was 99.2 percent.[999] Net enrollment rates are similar for both genders at the primary school level.[1000] About 5.5 million children between 7 and 15 years of age do not attend school.[1001] The percentage of children who reached grade five in 1998 was 88 percent.[1002]

Anti-Slavery International, 1995), as cited in *Innocenti Digest 5: Child Domestic Work* (UNICEF International Child Development Centre, Italy, May 1999), 3.

[992] Children have been reported in militia groups that formed in East Timor and in the separatist region of Aceh and in the Maluku Islands. Reports from the Malukus indicate that children between the ages of 7 and 12 years of age have participated in both sides of the conflict. "Asia Report: Indonesia and East Timor," May 2000, 2, 7; *see* www.child-soldiers.org/reports_asia/indon_and_et.html. According to this source, sources within the churches in the region said at least 200 boys had been forcibly recruited and trained as fighters.

[993] W. E. Santi Soekanto, "Traumatized Children Left Neglected," *Jakarta Post*, October 7, 2000.

[994] Mohammad Farid, "Sexual Abuse, Sexual Exploitation, and the Commercial Sexual Exploitation of Children," in *Situational Analysis of Children in Need* at 96-97. According to the National Commission for Child Protection, there are 390,000 children in prostition. *See* Electronic Correspondance 4/24/02.

[995] *Country Reports 1998—Indonesia* at 1152.

[996] *Country Reports 2000—Indonesia* at Section 6f (www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=707). See also *The Situation of Children and Women in Indonesia* at vi.

[997] *Country Reports 1998—Indonesia* at 1152-53. See also Electronic Correspondance 4/24/02.

[998] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000. According to the 2000 UNICEF Situation Analysis, about 5.5 million children between 7 and 15 years of age do not attend school. *See* Electronic Correspondance 4/24/02.

[999] *World Development Indicators 2000*.

[1000] *Indonesian Experience With Child Labor* at 26.

[1001] *UNICEF Situation Analysis 2000*, as cited in Electronic Correspondance 4/24/02.

[1002] *World Development Indicators 2000*.

Twenty percent of children, however, fail to complete their primary education, and 30 percent of children ages 13 to 15 years old are not in school.[1003] The number of school age dropouts rose from 2.8 million in 1997 to 8 million at the end of 1998, mainly for economic reasons.[1004] According to Indonesian Ministry of Education and International Labor Organization (ILO) data, between 11.7 and 11.9 million school-age children did not attend school in 1999.[1005]

Various factors reduce children's participation in schooling in Indonesia. Families must pay school fees, which increase with grade levels, and also pay for books and school uniforms.[1006] While public transportation costs are subsidized by the government, schools may be located far from home, which affects girls in particular due to safety concerns. The quality of schooling is reportedly often inadequate, and the curriculum sometimes fails to meet the needs of children.[1007] The 1958 Citizenship Law, which states that citizenship is passed paternally, has had the effect of prohibiting children of foreign fathers from attending public schools.

3. Child Labor Law and Enforcement

In April 1999, an Indonesian statute raised the legal age for employment from 14 to 15 years.[1008] The law prohibits children under the age of 15 from working more than four hours a day, but enforcement of this law is reportedly rare.[1009] The Protection of Children Forced to Work Law Regulation of 1987 allows children under the age of 14 to work in certain types of work with parental consent and for a limited number of hours dependent on a family's financial need. Employers must report the number of children working under this law.[1010] A 1998 Circular Letter from the Governor of North Sumatra set the minimum age for employment on *jermals* at 18 years.[1011] The Law on National Defense of 1982 set 18 years as the minimum age for voluntary recruitment into the armed forces.[1012]

[1003] *Beyond Krismon* at 19.

[1004] Unclassified telegram 003129.

[1005] *Country Reports 2000—Indonesia* at Section 5.

[1006] U.S. Embassy-Jakarta, unclassified telegram no. 004679, September 29, 2000 [hereinafter unclassified telegram 004679].

[1007] *The Situation of Children and Women in Indonesia* at 143.

[1008] Unclassified telegram 004679. According to the ILO, several laws relating to child labor are currently being reviewed by the Government of Indonesia, including an omnibus Manpower Development and Protection Act, but due to public opposition and political constraints, these bills have not yet been approved.

[1009] Unclassified telegram 003129. The Department of Manpower includes 1,300 labor inspectors responsible for enforcing labor laws, including those related to child labor. The size of the force is reportedly inadequate for the effective monitoring or response to child labor. Training specifically on child labor issues is provided to labor inspectors.

[1010] *Country Reports 1999—Indonesia* at 1150. *See also* unclassified telegram 004679.

[1011] "Implementation of the Convention on the Rights of the Child: Experience in Handling Child Labor in North Sumatra," in *Child Workers in Asia*, vol. 15, no. 3 (September-December 1999) (www.cwa.tnet.co.th/V15-3/indonesia.htm).

[1012] "Asia Report: Indonesia and East Timor," May 2000 (www.child-soldiers.org/reports_asia/indon_and_et.html).

Indonesia ratified ILO Convention No. 138 on Minimum Age for Employment on June 7, 1999, and ILO Convention No. 182 on the Worst Forms of Child Labor on March 28, 2000.[1013]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Government of Indonesia signed a Memorandum of Understanding (MOU) with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) in 1992 becoming one of the first countries to participate in the ILO-IPEC program. Indonesia has established a national steering committee and developed a draft National Plan of Action for addressing exploitative child labor.[1014]

Various child labor projects are under way in Indonesia. ILO-IPEC, with funding from the U.S. Department of Labor, is currently working to address the situation of children involved in the deep sea fishing sector on *jermals*, in informal footwear production, and in scavenging.[1015] Various nongovernmental organizations (NGOs) and international agencies work to assist street children, including the United Nations Development Program (UNDP), the United Nations Children's Fund (UNICEF), and the International Labor Organization (ILO), and open houses have been established in several provinces.[1016]

The BPS collects data on children ages 10 and older annually, and every three or four years conducts a survey on working children from 5 to 9 years of age.[1017] BPS also conducts smaller surveys of targeted populations on an ad hoc basis.[1018]

b. Educational Alternatives

In the 1970s, the Indonesian Government began a major initiative to raise enrollment rates among children from ages 7 to 12 through the construction of primary school buildings.[1019] The increases in school enrollment at the primary level resulted in an extension of basic education by three years.[1020] In 1994, compulsory basic education was extended from six to nine years,[1021]

[1013] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1014] Electronic correspondence from Pandji Putranto, ILO-IPEC, to U.S. Department of Labor official, March 18, 2001.

[1015] *Indonesian Experience with Child Labor* at 77-79.

[1016] *Country Reports 2000—Indonesia*.

[1017] Since 1998, only information for age 15 and above has been published.

[1018] Surbakti interview.

[1019] Esther Duflo, *Schooling and Labor Market Consequences of School Construction in Indonesia: Evidence from an Unusual Policy Experiment*, National Bureau of Economic Research (NBER), NBER Working Paper Series No. 7860 (Massachusetts: August 2000), 2. Ultimately, more than 61,000 schools were constructed.

[1020] *The Situation of Children and Women in Indonesia* at 98.

[1021] Ibid.

but this measure has not been fully implemented because of the lack of legal mechanisms for enforcement.[1022] In addition to formal schooling, two "packets" have been developed by the government to provide nonformal education to children, based on their needs and ages.[1023]

During the 1998 school year, in response to increasing numbers of school dropouts, the government began a supplementary program to provide grants to schools in the poorest areas and to distribute monthly scholarships, awarded by school-level committees, to children based on financial need. In its first year, the program dispensed between 1.2 and 1.6 million scholarships.[1024] In 1999 Indonesia's Central Planning and Development Board earmarked 10 percent of educational safety net funds for working children to alleviate the growing trend of children dropping out of school for economic reasons.[1025]

In January 2001, the ILO launched a program to provide 19.2 million children with improved basic education by improving the non-formal education system to suit the needs of working children.[1026]

In 2001, central government spending on total education was equivalent to US$ 1.3 billion or 6 percent of central government spending, according to the 2001 revised budget. Figures are not available for amounts that regional governments spent on education under the fiscal decentralization program. Nonetheless experts agree this sector is severely underfunded.[1027]

[1022] Interview with Darmastuti Soetrisno, director of kindergarten and primary education, Ministry of Education, by U.S. Department of Labor official, October 13, 2000.

[1023] Ibid.

[1024] *Beyond Krismon* at 10-11.

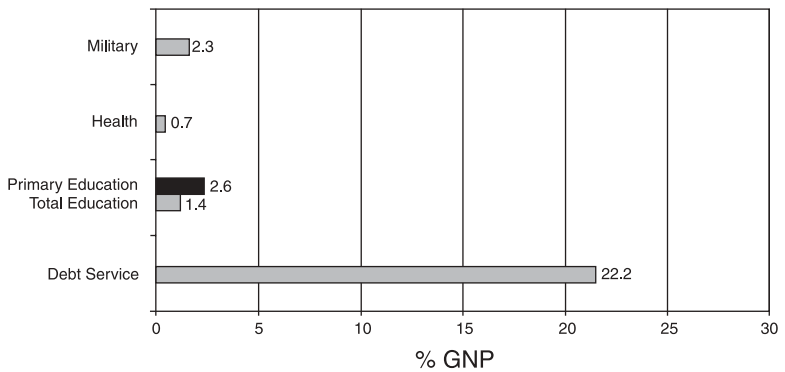
[1025] Unclassified telegram, 6/28/99. Funds provided by the Asian Development Bank, the World Bank, and the Indonesian Government.

[1026] *UN Wire*, "Indonesia: ILO Targets 19.2M Children for Improved Education," January 4, 2001 (www.unfoundation.org/unwire/index.asp).

[1027] Electronic Correspondance 4/24/02.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1028]



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1028] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

KENYA

1. Child Labor in Kenya

In 1998, the International Labor Organization (ILO) estimated that 40 percent of children between the ages of 10 and 14 in Kenya were working.[1029] According to a child labor survey conducted by the Kenyan Central Bureau of Statistics, an estimated 17.4 percent (1.9 million) of children between the ages of 5 and 17 were economically active in 2000.[1030] Among the factors contributing to child labor in Kenya are growing poverty and the effects of the HIV/AIDS pandemic.[1031]

Children in Kenya do housework and work in agriculture.[1032] Children quarry soapstone in Kisii, mine sand in Ukambani and other river beds throughout the country, and mine gold in Western Kenya.[1033] They wash cars, sell goods on the street, and collect and sell waste materials for money. Children also engage in illegal activities such as crime, prostitution, pornography, and the peddling of drugs.[1034]

In 2000, approximately 34 percent of children were working in commercial agriculture, while 23.6 percent of children were working in subsistence agriculture.[1035] In commercial agriculture, children are reported to work primarily on small to medium scale sugar, coffee, and rice plantations, and the small scale production of sisal, tea, corn, wheat, and pineapples.[1036] However, during peak seasons, Kenyan children account for close to one-half of the work force planting, weeding, and harvesting on sugar estates, and between 50 and 60 percent of the work force on coffee plantations.[1037]

Eleven percent of Kenya's child domestic workers are 10 years old.[1038] Many child domestics work for little or no pay, while enduring isolation from their families, and many suffer psychological, physical, or sexual abuse.[1039]

[1029] *World Development Indicators 2000*.

[1030] U.S. Embassy-Nairobi, unclassified telegram no. 007028, November 5, 2001 [hereinafter unclassified telegram 007028]. *See Also* ILO-IPEC, Kenya Country Program 1992-2001, Brief Profile of Activities (Nairobi: ILO-IPEC, May 2001), 1 [hereinafter ILO-IPEC Kenya Country Program].

[1031] Benson Oyuga, Collette Suda, and Afia Mugambi, *A Study of Action Against Child Labour in Kenya: Towards a Best Practice Guide on Sustainable Action Against Child Labour for Policy Makers* (Nairobi: ILO-IPEC, 1997), 27-28 [hereinafter *Action Against Child Labour in Kenya*]; U.S. Embassy-Nairobi, unclassified telegram no. 003560, April 19, 2000.

[1032] International Program for the Elimination of Child Labor—Kenya, *IPEC Implementation Report for Kenya 1995-1997* (Nairobi: IPEC, 1998), 2-4 [hereinafter *IPEC Implementation Report for Kenya*].

[1033] Unclassified telegram no. 007028.

[1034] *IPEC Implementation Report for Kenya* at 2-4.

[1035] Unclassified telegram no. 007028.

[1036] U.S. Embassy-Nairobi, unclassified telegram no. 008147, October 19, 2000.

[1037] Federation of Kenya Employers, "Child Labor in Commercial Agriculture in Kenya" (Dar es Salaam, FKE, August 1996), 15-16.

[1038] ILO-IPEC, *Targeting the Intolerable* (Geneva: ILO, 1998), 12.

[1039] Child Domestic Workers: Child Labour in the Domestic Sector, 35-37 [on file].

There are an estimated 200,000 street children in Kenya.[1040] In order to survive, a significant number of street children engage in theft, drug trafficking and other illegal activities, while many young girls living on the street resort to prostitution.[1041] A majority of the children participating had contracted sexually transmitted diseases, including AIDS, from local adults and tourists. In addition to health risks, many of these children suffered from serious psychological disorders due to the prison-like conditions in which they were held, and most have lost all contact with their families.[1042] Cases of forced labor, in which children are loaned out to creditors to pay off family debt, have also been documented in Kenya.[1043]

2. Children's Participation in School

In 1998, the gross primary attendance rate was 115 percent, and the net primary attendance rate was 87.5 percent.[1044] Gross enrollment rates have since fallen from 95 percent in 1989 to 78 percent in 1996.[1045] A report prepared by the Institute for Policy Analysis and Research attributes the decline in enrollment rates to the increase in schooling costs, a scarcity of education materials, and a decline in educational quality and access since 1989.[1046] In 2001, President Moi issued a directive prohibiting school levies in all public primary schools. However, school still charge substantial fees which limit the ability of many families to send their children to school. A baseline study of Kenya's salt mining regions found that 79 percent of the children surveyed in these regions worked on salt farms in order to pay for schooling materials.[1047]

Completion rates at the primary level averaged only 44 percent and in 1995 only 26 percent of those completing primary school transitioned to secondary school. While enrollment rates for boys and girls in primary school tends to be similar, only 35 percent of the girls completed grade 8 in 1995, as compared to 55 percent of boys.[1048]

[1040] U.S. Embassy-Nairobi, unclassified telegram no. 003560, April 19, 2000.

[1041] *Rights of the Child: Report of Ms. Ofelia Calcetas-Santos, Special Rapporteur, on the Sale of Children, Child Prostitution, and Child Pornography,* Kenya Addendum, U.N. Document No. E/CN. 4/1998/101/Add. 1 (Geneva: U.N. Commission on Human Rights, January 28, 1998), 6. Among the groups of Kenyan children victimized by commercial sexual exploitation are schoolgirls and boys, young girls who migrate to urban areas, unskilled domestic servants, school dropouts, "second-generation" prostitutes, and beach boys.

[1042] *Hearing on Street Children in Kenya* (Nairobi: African Network for the Prevention and Protection Against Child Abuse and Neglect, 1995), 21, as cited in *By the Sweat and Toil of Children, Volume V: Efforts to Eliminate Child Labor,* (USDOL, 1998), 33.

[1043] U.S. Embassy-Nairobi, Unclassified telegram no. 008147, October 19, 2000 [hereinafter Unclassified telegram 008147].

[1044] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1045] Government of Kenya and UNICEF, *1999-2003 Country Programme of Cooperation: Master Plan of Operations* (Nairobi: UNICEF, 1999), 5 [hereinafter *Country Programme of Cooperation*].

[1046] Okwach Abagi, *National Legal Frameworks in Domesticating Education in Kenya: Where to Begin* (Nairobi: Institute of Policy Analysis and Research, 1998), 11.

[1047] Malindi Children's Advisory Committee, *Report on a Survey on Child Labor in Salt Harvesting Farms in Kenya: The Case of Gongoni Location in Malindi Subdistrict* (Nairobi: ILO, 1995).

[1048] *Country Programme of Cooperation* at 5.

There are numerous reports of sexual abuse of children by school teachers, particularly in rural schools. According to the law, a child under the age of 14 who is sexually abused is not "raped" but "defiled." Defilement carries a maximum five year sentence, while rape carries a maximum life sentence. [1049] Efforts to address the rape of young children while at school have been sporadic and have not succeeded in curbing the practice.[1050]

3. Child Labor Law and Enforcement

The Employment Act (Cap. 226), 1976, defines a child as an individual who has not attained the age of 16. The provisions of the act prohibit employment of children in any "industrial undertaking," including mines, quarries and other works for the extraction of any substance from under the surface of the earth, factories, construction sites, transportation of passengers or goods, and open cast workings or sub-surface workings which are entered by means of a shaft. The act excludes, however, sectors such as agriculture, where the majority of children are reported to work.[1051] Industrial labor by children under the age of 12 is prohibited by the Employment of Women, Young Persons and Children Ordinance of 1948.[1052]

The Employment (Children) Rules, 1977, outline procedures for employing children, specifying hours when a child may be employed with the official permission of an authorized officer. The maximum penalty for breaking this law is 4,000 shillings (US$70). The rules apply to all instances of child labor, except in the case of children employed as apprentices or as indentured learners.[1053] Wages of apprentices and indentured learners and children under the age of 18 are governed by the Regulations of Wages and Conditions of Employment Act (Cap. 229) 1951.[1054]

The minimum age for hazardous work in Kenya is 18. The Factories Act of 1951 sets forth detailed health and safety standards that employers must follow. In 1990, the Factories Act was amended to include agricultural and other workers.[1055] As a result of amendments in 1990, Ministry of Labor health and safety inspectors may issue citations to employers for practices or activities that involve a risk of serious personal injuries, an authority previously vested only in magistrates.[1056] The number of factory inspections has increased significantly since 1992.[1057]

There are a variety of actors involved in enforcing Kenya's child labor laws. The Ministry of Labor, Child Labor Unit was recently elevated to the position of a permanent division with 10 full time labor officers and charged with coordinating the formulation and

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[1049] Unclassified telegram no. 008147.
[1050] Ibid.
[1051] *Action Against Child Labour in Kenya* at 101.
[1052] Ibid. at 27.
[1053] *FKE Guidelines on Employment of Children* (Nairobi: Federation of Kenya Employers, 1996), 2 [document on file].
[1054] *Action Against Child Labour in Kenya* at 27.
[1055] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, February 2000), Section 6e [hereinafter *Country Reports 1999—Kenya*].
[1056] Ibid.
[1057] Ibid.

application of child labor laws.[1058] Labor inspectors and Occupational Health and Safety Officers have been trained on child labor issues headed by the Deputy Director of Occupational Safety and Health Services.[1059] The unit oversees the work of ten divisions and is charged with coordinating the formulation and application of labor laws. The Ministry of Home Affairs, Department of Children's Services, has been working with UNICEF to set up community-based District Children's Advisory Committees (DCACS), which handle child labor issues at the district and local level. These committees monitor school dropout rates, and ensure that funds raised for school projects benefiting children.[1060]

Kenya ratified International Labor Organization (ILO) Convention No. 138 on the Minimum Age for Employment on April 9, 1979, and ILO Convention No. 182 on the Worst Forms of Child Labor on May 7, 2001.[1061]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Government of Kenya became a member of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) in 1992. Since then, ILO-IPEC Kenya has launched 67 action programs on child labor and several more mini-programs in collaboration with 22 partner agencies, including government agencies, employers and labor organizations, a wide range of nongovernmental organizations (NGOs) and media-based organizations. In all, some 7,000 children have been helped through ILO-IPEC child labor programs.[1062]

With funding from the U.S. Department of Labor, Kenya is participating in an ILO-IPEC regional program to eliminate child labor in commercial agriculture in five countries in Eastern and Southern Africa. The primary objective of the project is to prevent, withdraw, and rehabilitate children working in harmful conditions in commercial agriculture and provide their families with alternative income generating activities.[1063] The program seeks to increase the capacity of relevant stakeholders to identify and eliminate hazardous child labor on sugar, rice, tea and coffee plantations.

UNICEF is working in Kenya to help formulate policy on issues affecting children, and monitoring and evaluating public sector and civil society child labor efforts. Since 1999,

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[1058] ILO-IPEC Kenya Country Program at 2.

[1059] Ibid.

[1060] Ibid.

[1061] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1062] ILO-IPEC Kenya Country Program at 1.

[1063] *Targeting the Worst Forms of Child Labor in the Tea, Tobacco and Coffee Sectors in Uganda* (Geneva: ILO-IPEC, September 2000) [document on file]. Among the institutions anticipated to play an active role in the project are the Federation of Uganda Employers, National Organization of Trade Unions, National Union of Plantation and Agricultural Workers, World Food Program, UNICEF, Save the Children Norway, various government ministries, and other nongovernmental and community-based organizations providing direct services to child laborers.

UNICEF and the Government of Kenya have implemented a project for children in need of special protection, focusing on street children.[1064]

With international donor support, the Government of Kenya has amended the structure of the Ministry of Labor and the guidelines for inspection in order to increase the capacity to monitor and combat child labor. Since 1992, ILO-IPEC Kenya has trained 104 labor inspectors and 65 occupational health and safety officers. Increased inspections have resulted in identification of 8,074 child workers in the commercial services, agriculture, building, and construction and forestry sectors.[1065] The Occupational Health and Safety Officers have identified 4,294 children working in hazardous conditions and 2,123 children have been removed from hazardous work.[1066]

The District Children Advisory Committees (DCAC), which falls under the direction of the Ministry of Home Affairs, have been working on the local level with schools in four pilot areas. These committees have provided assistance to 2,803 children (1,454 boys and 1,349 girls). Of the children, 1,252 were working in hazardous conditions and 297 were working under forced labor conditions.[1067]

Civil society groups are also undertaking policy advocacy efforts. The Central Organization of Trade Unions (COTU), the umbrella organization for Kenyan labor unions, has been active in addressing child labor in the country.[1068] ILO-IPEC has supported a series of surveys, conducted by COTU, to identify the extent of child labor by sector in the Kenyan economy, and the development of a child labor unit within COTU.[1069]

In April 1999, the American Center for International Labor Solidarity (Solidarity Center) and the COTU began a child labor project, the Pilot Program to Assist in the Elimination of the Worst Forms of Child Labor in Kenya. The program is a grassroots, family- and community-level effort focusing on the commercial agriculture sector, primarily coffee plantations. According to the midterm evaluation of the project, 152 children had enrolled in formal schools after the project had been in operation for six months.[1070] COTU-Solidarity Center also estimated that 105 children had been prevented from dropping out of school to join the workforce. As part of its awareness raising activities, COTU's child labor unit also publishes *Grassroots*, a child labor advocacy newsletter.[1071]

Employer organizations like the Federation of Kenyan Employers (FKE) have also launched efforts to eliminate child labor. With ILO-IPEC support, the FKE conducted surveys to

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[1064] UNICEF-Kenya, *Country Project Proposals 1999-2003* (Nairobi: UNICEF, October 1998), 31-44.
[1065] ILO-IPEC Kenya Country Program at 2.
[1066] Ibid.
[1067] Ibid.
[1068] *Country Reports 1999—Kenya* at Section 6e.
[1069] See *Campaign Against Child Labour* (Nairobi: Kenyan Central Organization of Trade Unions [COTU], May 1, 1998).
[1070] American Center for International Labor Solidarity and Central Organization of Trade Unions (Kenya), "Eliminating the Worst Forms of Child Labour in Kenya: Mid-Term Report and Evaluation," September 1999, 12.
[1071] Ibid.

assess the use of child labor in production of coffee, rice and sugar and launched an awareness raising program using questionnaires, interviews, field trips, circulars and newsletters to create a general child labor awareness among employers.[1072] The FKE has also issued guidelines on the employment of children to all of its members.[1073]

Most NGO efforts have focused on direct intervention to prevent, protect and rehabilitate child laborers. Representatives from some of the established NGOs, like the Undugu Society, which has been active in poverty alleviation in Nairobi since 1972, have been part of Kenya's National Steering Committee on Child Labor, along with government officials and labor union and employer organization representatives.[1074] To date, ILO-IPEC has worked with at least 22 organizations directly to support their efforts to end child labor, including at least 14 NGOs.[1075] One such organization, Sinaga Women and Child Labour Resource Center, has been working in Kenya since 1995, raising awareness about girls working in domestic service and providing them with assistance.[1076] With support from ILO-IPEC, OXFAM, United Nations Children's Fund (UNICEF) and other donors, Sinaga has aided girls in domestic service through the provision of basic education, skills training, counseling, legal advice, and a rescue shelter for girls who have been abused by their employers. Sinaga also publishes a working paper series and a quarterly newsletter as part of its efforts to raise awareness about the plight of child domestics.[1077] Another organization, the Child Welfare Society of Kenya, works specifically with street children, and in 1999, published a report on Street Children in Nairobi to inform policy making on the plight of street children.[1078]

b. Educational Alternatives

Education is compulsory for eight years, between the ages of 6 and 14.[1079] In 1990, Kenya became a signatory to the World Declaration on Education for All. The government has since produced a Master Plan on Education and Training for 1997 to 2010.[1080]

[1072] U.S. Embassy-Nairobi, Cable 5357, May 5, 1999.

[1073] Interview with Labor Commissioner Mwadime and Child Labor Department officials, by U.S. Department of Labor officials, May 5, 1998.

[1074] *Action Against Child Labour in Kenya* at 47.

[1075] ILO-IPEC Kenya Country Program at 1.

[1076] *Action Against Child Labour in Kenya* at 119-22.

[1077] Ibid.

[1078] ILO-IPEC Kenya Country Program at 1.

[1079] UNESCO, "Kenya – Education System: Structure of Education System," at www.unesco.org/iau/cd-data/ke.rtf on 3/18/01.

[1080] Ministry of Education and Human Resource Development, *Education for All: Assessment of Progress* (Government of the Republic of Kenya, 1997), 3- 4 [hereinafter *Education for All—Kenya*].

Since 1990, there has been an increase in the number of primary (public) teacher training colleges in Kenya from 15 to 21, with a similar rise in the number of trained teachers. As of 1998, only 3.4 percent of Kenya's primary school teachers did not meet the country's national standards.[1081]

Kenya's Ministry of Education has sought to address gender discrepancies in the country's educational system. In 1995, the Government of Kenya created a Gender Unit within the Ministry of Education. This unit works with other ministries within the government, with NGOs, and community leaders to promote girls' education. In addition, the Ministry of Education has worked with the United Nations Children's Fund (UNICEF) on a Girl Child Program, which aims to close the gender gap in education.[1082]

From 1990 to 1996, spending by the Kenyan government on education as a percentage of gross national product (GNP) has ranged from 6.5 percent to 7.1 percent.[1083] Public spending dedicated to primary education as a percentage of GNP has ranged from 3.1 percent to 3.9 from 1990 to 1996.[1084] Since 1993, the Kenyan Government has allocated over 50 percent of the Ministry of Education's recurrent expenditure to primary education.[1085]

[1081] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Education for All (EFA) 2000 [online], Country Report, Kenya, "Progress toward EFA Goals and Targets," Section 5 (www2.unesco.org/wef/countryreports/kenya/rapport_1_1.html); cited October 30, 2001 [hereinafter EFA 2000].

[1082] Ibid.

[1083] *World Development Indicators 2000*.

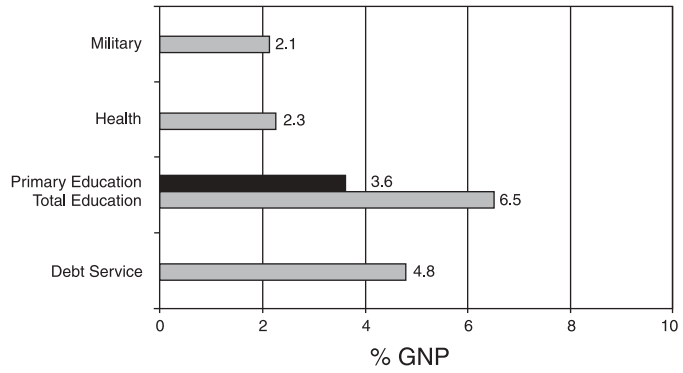
[1084] UNESCO, Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Kenya (Paris, 2000).

[1085] EFA 2000 at Section 4.0, "Investment in EFA Since 1990" (www2.unesco.org/wef/countryreports/kenya/rapport_1_1.html); cited October 30, 2001.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1086]

Selected Government Expenditures as a Percentage of Kenya's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1086] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

LESOTHO

1. Child Labor in Lesotho

In 1998, the International Labor Organization (ILO) estimated that 21.3 percent of children between the ages of 10 and 14 in Lesotho were working.[1087] A 1997 survey by the Government of Lesotho found that nearly 19,000 children between the ages of 10 and 14 were economically active in the country. Boys make up a disproportionate percentage of this group, accounting for over 16,000 of the economically active children, as compared to slightly over 2,700 girls.[1088]

There are contested reports that children under the age of 14 have been identified as working in the textile and garment sector. After conducting visits in 1994 of all garment factories in the country, however, the ILO was not able to confirm these allegations.[1089] In the footwear sector, homeworking is known to involve children in the stitching of leather footwear.[1090]

Child labor is most prevalent in rural areas. Over 82 percent of economically active children between the ages of 10 and 14 are employed in rural areas.[1091] Young boys are involved in herding livestock. This rigorous and occasionally dangerous work has traditionally been considered a right of passage to manhood and important to the welfare of families.[1092] One of the reasons why boys participate in herding is because animals represent a traditional form of wealth in the Basotho culture. Parents often hire out boys as a way of earning money or increasing herd stock.[1093]

[1087] *World Development Indicators 2000*.

[1088] The survey reported that the total population between the ages of 10 and 14 was 224,579 children. "Labour Force Survey 1997" (Maseru: Employment Policy Formulation and Labour Market Analysis (LES/004/94), Ministry of Labour and Employment, Bureau of Statistics, 1998), 32-34.

[1089] A 1994 study by a foreign government found that children between the ages of 12 and 15 made up as much as 15 percent of the workforce in Lesotho's textile sector. This finding was refuted by Lesotho's Ministry of Labor. Furthermore, in response to a complaint by trade unions in the textile and clothing industry, the ILO visited all 14 of the country's garment producers in 1994 but could not confirm allegations of illegal child labor. See *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 1999) (www.state.gov/www/global/human_rights/1999_hrp_report) [hereinafter *Country Reports 1999—Lesotho*].

[1090] Interview with Makatleho Nyabela, Marake Makhetha, and Elliot Ramochela, Lesotho Federation of Democratic Unions, by U.S. Department of Labor official, August 1, 2000. The union representatives noted that they had not identified child labor in Lesotho's formal sector and that child labor occurred primarily in the informal sector.

[1091] The survey reported that the total population between the ages of 10 and 14 was 224,579 children. "Labour Force Survey 1997" (Maseru: Employment Policy Formulation and Labour Market Analysis (LES/004/94), Ministry of Labour and Employment, Bureau of Statistics, 1998), 32-34.

[1092] *Country Reports 1999—Lesotho* (www.state.gov/www/global/human_rights/1999_hrp_report).

[1093] U.S. Embassy-Maseru, unclassified telegram no. 00422, June 21, 2000 [hereinafter unclassified telegram 00422].

After completing primary schooling, some girls who are unable to afford continuing their education begin work as domestic servants in urban areas.[1094] Others are reported to resort to prostitution, placing them at risk of HIV/AIDS infection and unplanned pregnancy.[1095] In many instances, girls are expelled from school when it is learned that they are pregnant, limiting their future prospects.[1096]

The growing number of HIV/AIDS orphans in Lesotho is reportedly placing an increasing number of children at risk of exploitation. There are an estimated 117,000 AIDS orphans in the country. Despite the growing numbers of AIDS orphans, however, little information is available about how they are fairing.[1097] According to complaints received by the Women and Law in Southern Africa (WLSA), orphaned children are being hired out to work by their guardians.[1098]

2. Children's Participation in School

Primary school attendance rates are unavailable for Lesotho. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1099] In 1996, the gross primary school enrollment rate was 107.7 percent, and the net primary school enrollment rate was 70.1 percent.[1100] Statistics from Lesotho's Ministry of Education indicate that 40 percent of children do not attend primary school.[1101] The problem of school non-attendance affects boys more than girls. Many boys involved in herding forgo even the most basic levels of primary education.[1102]

A variety of factors are reported to affect children and their families' ability to access education. Parents may be unable to pay school fees or the costs of school uniforms.[1103] This problem is particularly pronounced in rural areas where children contribute to family welfare

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[1094] Interview with Esther Sakoane of the Lesotho Association of Non-Formal Education, by U.S. Department of Labor official, August 1, 2000 [hereinafter Sakoane interview].

[1095] Interview with Dr. Tibebu Haile-Selassie, program coordinator, UNICEF Country Office for Lesotho by U.S. Department of Labor official, July 31, 2000.

[1096] Complementary Report on the Implementation of the U.N. Convention on the Rights of the Child in Lesotho (NGO Coalition on the Rights of the Child/Save the Children U.K., June 2000), 13-14 [hereinafter *Complementary Report*].

[1097] Ibid. at 25. UNAIDS estimates that there are 117,000 AIDS orphans in Lesotho.

[1098] Ibid. at 18.

[1099] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1100] *World Development Indicators 2000.*

[1101] *Complementary Report* at 13, 33. Among the factors this report cited as contributing to the high dropout rate and low completion rate among students were the quality of teaching and a decline in the means of livelihood in the country generally.

[1102] Ibid. at 11.

[1103] Ibid. at 13.

through work in subsistence activities.[1104] Another major obstacle in rural areas is the distance and difficult terrain that children often must travel to reach school.[1105]

Attitudes concerning the value of education also affect children's participation in school. According to some reports, parents and children often do not see the value of education given the large number of persons in Lesotho who are unemployed irrespective of whether they have completed their schooling.[1106]

Most schools in Lesotho are operated by Christian missions under the direction of the Minister of Education. Around 360,000 children attend primary school annually, while about 53,500 pupils attend secondary and vocational schools. There are roughly 1,200 primary schools throughout the country.[1107]

3. Child Labor Law and Enforcement

The Constitution of Lesotho prohibits "the employment of children and young persons in work harmful to their morals or health or dangerous to life or likely to hamper their normal development."[1108] Lesotho's Labor Code of 1992 defines a "child" as any person under the age of 15.[1109] The code prohibits the employment of any child below the age of 15 in any commercial or industrial undertaking.[1110] The law does not apply to agriculture.[1111] In general, the use of boys for herding has been outside of the scope of the country's labor laws. The code provides for exceptions in the case of private undertakings in which only members of the child's own family, up to five in number, are employed. In addition, children between the ages of 13 and 15 may do light work if the work is done in a technical school or institutions where the labor has been approved by the Department of Education. The penalty for employing a child in violation of the law includes a fine of 300 *maloti* (US$32), imprisonment for three months, or both. More generally, the code also prohibits the employment of children in any work that would be "injurious to [their] health or morals, dangerous or otherwise unsuitable."[1112]

The Labor Code further states that persons under the age of 16 years should not be required or permitted to work for more than four consecutive hours without a break period of at least one hour. Moreover, no person under the age of 16 is permitted to work for more than eight

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[1104] *Country Reports 1999—Lesotho* (www.state.gov/www/global/human_rights/1999_hrp_report).

[1105] *Exposing Geographic Inequity: Lesotho's Multiple Indicator Cluster Survey, A District-Level Report, Measuring Progress Towards the World Summit, Goals for Children* (Maseru: The Bureau of Statistics, 1998), 32-33 [hereinafter *Exposing Geographic Inequity*].

[1106] *Complementary Report* at 31.

[1107] *El Barometer*, "Human and Trade Union Rights in the Education Sector" (Brussels: Education International, 1998), 61.

[1108] *The Constitution of Lesotho* (Maseru: Government Printing Office), 44 [hereinafter *Constitution of Lesotho*].

[1109] *Lesotho Government Gazette Extraordinary*, vol. 37, no. 118 (Maseru: Government Printer, 1992), 1208 [hereinafter *Lesotho Government Gazette Extraordinary*].

[1110] Ibid. at 1303-7.

[1111] Unclassified telegram 00422.

[1112] *Lesotho Government Gazette Extraordinary* at 1303-7.

hours a day. The penalty for breaking these provisions includes a fine of 600 maloti (US$63) imprisonment for six months, or both. The code prohibits those under the age of 15 years from employment at night in any commercial or industrial undertaking.[1113] Except for boys over the age of 16 years, children are restricted from employment in mines and quarries.[1114]

Lesotho's Constitution bans slavery and forced labor.[1115] The Labor Code prohibits forced labor and sets forth a fine of 2,000 maloti (US$211) imprisonment not to exceed one year, or both, for violations.[1116] The 1987 Employment Act also prohibits forced and bonded labor, including by children.[1117]

Enforcement of prohibitions against the employment of minors in commercial, industrial or non-family enterprises involving hazardous or dangerous working conditions is reportedly lax. The Ministry of Labor and Employment (MOLE) is responsible for conducting inspections of industrial and commercial enterprises to ensure compliance with the Labor Code.[1118] The Ministry's Inspectorate suffers from understaffing.[1119] According to MOLE, approximately 15 labor inspectors are responsible for monitoring adherence to the full range of labor laws throughout the country.[1120]

The Government of Lesotho ratified ILO Convention No. 138 on the Minimum Age for Employment on June 14, 2001, and ILO Convention No. 182 on the Worst Forms of Child Labor on June 14, 2001.[1121]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Efforts to address child labor in Lesotho have thus far mainly involved initiatives to increase children's access to basic education. The Ministry of Labour and Employment, however, has applied to the ILO's regional office in Pretoria, South Africa, to become a member of the ILO's International Program on the Elimination of Child Labor (ILO-IPEC).[1122]

[1113] Ibid.
[1114] Ibid.
[1115] *The Constitution of Lesotho* at 21.
[1116] *Lesotho Government Gazette Extraordinary* at 1222.
[1117] *Country Reports 1999—Lesotho*.
[1118] Unclassified telegram 00422.
[1119] *Country Reports 1999—Lesotho*. *See also* "Child Labour around the World" (www.globalmarch.org/cl-around-the-world/barometre-africa1.html) and interview with Labor Commissioner L. Mandoro by U.S. Department of Labor official (August 1, 2000) [hereinafter Mandoro interview].
[1120] Mandoro interview.
[1121] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.
[1122] Unclassified telegram 00422.

b. Educational Alternatives

Education is not compulsory in Lesotho.[1123] In the Constitution, "education is not a government obligation, but a principle of state and not a right enforceable by a court of law."[1124] The 1995 Education Bill "provides for the establishment, administration and control of education. It tries to ensure that the child is protected from practices which may foster discrimination or prejudice."[1125]

In 2000, the Government of Lesotho introduced free education for children in their first year of primary schooling in those schools complying with the Education Act.[1126] In its 2000-2001 budget, for the first time, the Parliament made its allocation for education the largest share of the budget.[1127] Reacting to the access issues of distance and difficult terrain identified by the Bureau of Statistics, the Ministry of Education is supporting a community school initiative.[1128]

The Government of Lesotho is working on three major projects with UNICEF to promote opportunities for children to attend school. The Non-Formal Education Project, run by the Lesotho Distance Teaching Center (LDTC), promotes non-formal learning opportunities in the country. The LDTC's Basic Education Unit coordinates literacy and numeracy courses and non-formal education for children and adults. Herdboys represent a large portion of the children that benefit from this program. The Early Childhood Education Project, run by the Ministry of Education's Early Childhood Unit, monitors all pre-primary schooling in the country. Finally, the Free Primary School Education (FPSE) Program, which began in January 2000, involves all schools in Lesotho, except for private schools that chose not to participate.[1129]

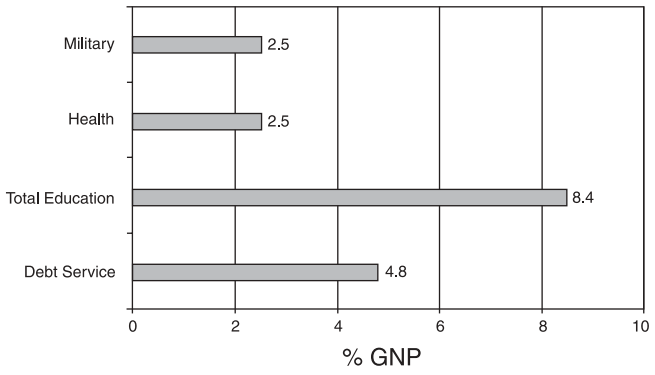
In 1996, government spending on education as a percentage of gross national product (GNP) was 8.4 percent.[1130]

[1123] *Country Reports 1999—Lesotho*.
[1124] *Complementary Report* at 30.
[1125] Ibid. at 31.
[1126] Ibid. at 8.
[1127] Ibid.
[1128] *Exposing Geographic Inequity* at 32-33.
[1129] Unclassified telegram 00422.
[1130] *World Development Indicators 2000*.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1131]

Selected Government Expenditures as a Percentage of Lesotho's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

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[1131] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

MALI

1. Child Labor in Mali

In 1998, the International Labor Organization (ILO) estimated that 52.5 percent of children between the ages of 10 and 14 in Mali were working.[1132] Child labor occurs in the agricultural sector. Children also work as artisans and apprentices, in the service and informal commercial sectors, as domestic laborers, in mining, and in gold panning.[1133] In towns and urban areas, children also work as street vendors and beg for money and food.[1134] In some instances, street begging comes at the urging of Koranic teachers who send their students to urban areas to collect money and food.[1135]

Young Malian girls from rural areas migrate to find work in urban areas. In 2000, some 4,000 girls reportedly left rural areas to work as child domestics in urban areas, largely to support their families or pay for their dowries.[1136]

Mali is a point of origin for trafficked children, most of whom are sold into forced labor on commercial farms or forced into domestic service in Cote d'Ivoire.[1137] In many cases, children are picked up or intercepted by professional traffickers at markets or while in towns.[1138] Children working on plantations often work 12 hours per day without pay and are often abused physically.[1139] Since the beginning of 2001, 500 children trafficked from Mali and Burkina Faso have been intercepted by legal authorities in Côte d'Ivoire and returned to their home countries.[1140]

[1132] *World Development Indicators 2000*.

[1133] *Concluding Observations of the Committee on the Rights of the Child: Mali*, U.N. Document No. CRC/C/15/Add.113. (Geneva: United Nations Committee on the Rights of the Child, November 2, 1999) [hereinafter *Concluding Observations of the Committee on the Rights of the Child*].

[1134] Ibid.

[1135] Ibid.

[1136] *Committee on Rights of Child Begins Consideration of Report of Mali*, U.N. Document No. HR/CRC/99/48 (Geneva: United Nations Committee on the Rights of the Child, September 28, 1999).

[1137] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), 6f [hereinafter *Country Reports 2000—Mali*].

[1138] *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II): Mali Country Annex* (Geneva: ILO-IPEC, December 2000) [hereinafter *Combating the Trafficking of Children for Labor Exploitation*].

[1139] *Country Reports 2000 – Mali*, at Section 6f.

[1140] Ministry of Families, Women and Children. *Combating Trafficking and Economic Exploitation of Children in Côte d'Ivoire* (Abidjan: Republic of Côte d'Ivoire, July 2001).

2. Children's Participation in School

In 1996, the gross primary attendance rate was 40.6 percent and the net primary attendance rate was 29.4 percent.[1141] In 1995, girls comprised 39.7 percent of the gross enrollment in primary schools, while boys comprised 58.1 percent. In terms of net enrollment, only 24.8 percent of girls are enrolled in school as compared to 37.8 percent of boys in the same age group. In the 1997/1998 school year, girls comprised 40 percent of gross enrollment in primary schools, while boys comprised 60 percent.[1142]

Schooling rates also differ between urban and rural areas, and across different regions of the country.[1143] For the 6- to 15-year age group, school attendance is more than three times higher in urban areas than in rural areas.[1144]

For those children who are in school, the quality of education is often inadequate.[1145] The national student-teacher ratio is 70 to 1, with class size exceeding 80 students in rural schools.[1146] Typical primary classrooms lack equipment and materials, and teachers' academic and professional qualifications are usually low.[1147]

3. Child Labor Law and Enforcement

The Labor Code, adopted in 1996, sets the basic minimum working age at 14.[1148] Children between the ages of 12 and 14 may work up to two hours per day during school vacations with parental approval.[1149] Children between the ages of 14 and 16 may work up to $4^1/_2$ hours per day with the permission of the Labor Inspectorate but not during nights, holidays, or Sundays. Children between the ages of 16 and 18 may work in jobs that are not physically demanding.[1150]

Implementation of child labor regulations is erratic.[1151] Although Labor Inspectors conduct surprise inspections and complaint-based inspections, inspectors operate only in the formal sector due to a lack of resources for enforcement.[1152]

[1141] USAID, GED 2000: Global Education Database [CD-ROM], Washington, D.C.,2000 at http://www.usaid.gov/educ_training/ged.html.

[1142] *World Development Indicators 2000.* There has been a marked increase in enrollment rates in Mali since 1989. Data provided by the United States Agency for International Development (USAID) shows primary school gross enrollment rates rose from 22 percent in 1989 to 34 percent in 1994, a 60 percent increase, with a 67 percent increase in girls' enrollment. Sixth-grade completion rates increased by 65 percent between 1989 and 1993. USAID, *Basic Education Programs in Africa—Mali Country Profile* (www.usaid.gov/regions/afr/basiced/mali.html), August 14, 2001.

[1143] *Combating the Trafficking of Children for Labor*.

[1144] *Mali – General Information* at http://home-2.worldonline.nl/~sprunkys/mali.htm.

[1145] Ibid.

[1146] Ibid.

[1147] Ibid.

[1148] *Child Labor in Africa: Targeting the Intolerable* (Geneva: ILO-IPEC, 1998), 36.

[1149] *Country Reports 2000—Mali* at 6d.

[1150] Ibid.

The Constitution of the Republic of Mali prohibits forced or compulsory labor, including that performed by children.[1153] Articles 187, 188 and 189 of the Malian Criminal Code forbid trafficking in children.[1154]

On July 14, 2000, the Government of Mali ratified ILO Conventions No. 182 on the Worst Forms of Child Labor.[1155]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In June 1998, the Government of Mali signed a Memorandum of Understanding (MOU) with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC).[1156] Since signing the MOU, the Government of Mali has cooperated with ILO-IPEC in launching direct interventions to assist children working in mines, wood working and metalworking, as mechanics, in service sector establishments, and as domestic workers.[1157]

In 1999, Mali joined eight other countries involved in the first phase of the ILO-IPEC regional project to combat trafficking of children for exploitative labor in West and Central Africa, funded by the U.S. Department of Labor. The project included assessments of the trafficking problem in the nine countries and a subregional report synthesizing the main findings. Efforts were also made to channel identified children to nongovernmental organizations (NGOs) providing social protection and support services for victims of trafficking. A second phase of this project, also funded by the U.S. Department of Labor, began in July 2001, and involves providing rehabilitation services for children who are victims of trafficking, raising awareness about trafficking, strengthening local capacity to address the problem, and enhancing regional cooperation among the nine participating countries to address trafficking.[1158]

A national forum on child begging was held in 1998 and resulted in a plan to include Koranic teachers in the campaign to end child begging. A vocational training program has also been established for the *garibou* in Mopti to discourage begging. Many children, however, continue to be exploited and are encouraged to beg.[1159]

[1151] Ibid.
[1152] Ibid.
[1153] Ibid. at Section 6c.
[1154] C*ombating the Trafficking of Children for Labour Exploitation* at 2.
[1155] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.
[1156] "Etat d'Execution du Programme National de Lutte contre le Travail des Enfants au Mali" (Bamako: Ministere de l'Emploi. de la Fonction Publique et du Travail, Ministry of Labor, Mali), 2000.
[1157] Ibid.
[1158] *Combating the Trafficking of Children for Labour Exploitation.*
[1159] *Concluding Observations of the Committee on the Rights of the Child.*

b. Educational Alternatives

According to the Constitution of the Republic of Mali, Article 18, every citizen has a right to an education, and public education is mandatory, free, and non-religious.[1160] The Government of Mali recently implemented the Ten-Year Program for the Development of Education (PRODEC). This program aims to establish parity between boys and girls in terms of school recruitment and enrollment, expand the use of national languages in education and improve the overall quality of education.[1161]

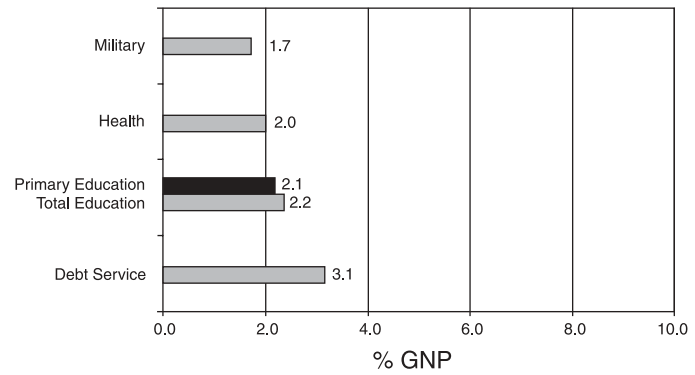
The government has established a special unit to promote girls' education within the Ministry of Basic Education, and is implementing policies, which would allow pregnant schoolgirls to continue their education.[1162] The government has also tried to introduce or revitalize school canteens in economically disadvantaged communities and improve the infrastructure by building new schools and classrooms and refurbishing existing ones.[1163]

The U.S. Agency for International Development (USAID) has supported a program called Basic Education Expansion to improve the efficiency of the educational system. National, regional, and local offices have been established to administer a girls' education initiative, student testing has been initiated and institutionalized, and a legal framework and decentralization policy has been defined and put in place to foster private and community schools. A key feature of the government's Education Sector Program is an increase in the percentage of national budget resources for education and accompanying intra-sectoral reallocations in support of primary schooling.[1164] In 1997, total government spending on education as a percentage of gross national product (GNP) was 2 percent.[1165]

[1160] Constitution of the Republic of Mali, Article 18 (http://confinder.richmond.edu/Mali.html#title1).
[1161] *Concluding Observations of the Committee on the Rights of the Child.*
[1162] Ibid.
[1163] Ibid.
[1164] *USAID Basic Education Programs in Africa.*
[1165] *World Development Indicators 2000.*

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1166]



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1166] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

NEPAL

1. Child Labor in Nepal

In 1998, the International Labor Organization (ILO) estimated that 43.3 percent of children between the ages of 10 and 14 in Nepal were working.[1167] A 1996 child labor survey conducted by Tribhuvan University's Central Department of Population Studies and ILO's International Program on the Elimination of Child Labor (ILO-IPEC) estimated 42 percent (2.6 million) of children between the ages of 5 and 14 in Nepal were working. The survey also found that 48 percent of girls between the ages of 5 and 14 years were working, while 36 percent of boys in the same age group worked.[1168]

An overwhelming majority of working children (95 percent) participate in family-based subsistence agriculture, while less than 1 percent work in manufacturing facilities.[1169] Nepali children are known to work in the hand-knotted carpet industry, although the number has declined significantly over the years.[1170] In addition, child workers are found in brick-kiln operations, tea shops, construction, portering, and domestic service.[1171] More than 80 percent of children working in Nepal do not receive wages.[1172] Most children who work in urban areas have migrated from rural villages. Having been separated from their families, they are vulnerable and often forced to work under exploitative and hazardous conditions.[1173]

Although forced labor is not widespread, a system of agricultural bonded labor, known as *kamaiya*, has been prevalent in the far-western and mid-western regions of the country. One study has estimated that 33,000 children work as bonded laborers, out of which 13,000 are thought to be *kamaiya* children.[1174]

Nepali children are trafficked mostly for the purposes of prostitution, but also at times for domestic service, and manual or semi-skilled labor.[1175] Although it is extremely difficult to

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[1167] *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000).
[1168] The survey was sponsored by the International Labor Organization (ILO), Migration and Employment Survey of Nepal, Central Department of Population Studies of Tribhuvan University, 1995-1996, Table 5.
[1169] U.S. Embassy-Kathmandu, unclassified telegram no. 001216, June 9, 2000 [hereinafter unclassified telegram 6//9/00]. Nepali people are heavily dependent on agriculture, which accounts for almost 42 percent of the country's gross domestic product (GDP). ILO-IPEC, *Sustainable Elimination of Bonded Labor in Nepal* (Geneva, December 2000), 1 [hereinafter *Elimination of Bonded Labor in Nepal*].
[1170] Unclassified telegram 001216.
[1171] *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998), 20-29; *see also* (www.ilo.org/public/english/region/asro/kathmandu/projects/child_1.htm).
[1172] ILO-IPEC, "Child Labor Situation in Nepal," fact sheet, 9.
[1173] "National Plan for Immediate Action Against the Worst Forms of Child Labor in Nepal: Summary Strategy Paper 2001-2005" (Geneva: ILO-IPEC), 3 [hereinafter "Action Against the Worst Forms of Child Labor in Nepal."]
[1174] ILO-IPEC, "IPEC Country Profile: Nepal," at http://www.ilo.org/public/english/standards/ipec/timebound/nepal.pdf on 2/14/02.
[1175] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2000), Section 6f [hereinafter *Country Reports 2000—Nepal*].

approximate the number of children trafficked, Maiti Nepal, a local NGO, estimates that as many as 5,000 to 7,000 Nepali girls are trafficked to India each year; many are lured away or abducted from their homes to work in brothels.[1176] A recent study by the ILO estimates that there may be between 150,000 to 200,000 Nepalese girls working as prostitutes in Indian brothels. [1177] Child prostitution also occurs in urban centers like Katmandu. It is believed that 20 percent of the prostitutes in Nepal are younger than 16 years old. [1178]

2. Children's Participation in School

In 1996, the gross primary attendance rate was 104.3 percent, and the net primary attendance rate was 66.2 percent.[1179] For that same year, the gross primary enrollment rate was 113 percent, ant the net primary enrollment rate was 79.2 percent.[1180] Fifty percent of children enrolled in primary school are expected to drop out.[1181] Only 37 percent of first graders passed on to the second grade in 1997, with the majority repeating the class or dropping out.[1182] Girls make up nearly 42 percent of the students in primary school, but only about 38 percent of the over 1 million students in secondary school. Non-enrollment, repetition and dropout rates are consistently higher in rural areas than in urban areas.[1183]

In Nepal, most children (roughly 60 percent) who work also attend school. More working boys (70–75 percent) go to school than working girls (50–60 percent).[1184]

The lack of trained teachers continues to be a fundamental problem for the country's education system. For example, statistics show that less than half of all primary school teachers are trained and only 38 percent of the female primary teachers have received training.[1185]

3. Child Labor Law and Enforcement

The Constitution of Nepal (Article 20) prohibits the employment of minors in factories, mines or other hazardous work.[1186] Nepal has various laws that address child labor, including the

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[1176] South Asian Sub-Regional Programme to Combat the Trafficking of Children for Exploitative Employment in Bangladesh, Nepal and Sri Lanka, project document (Geneva: ILO-IPEC, February 2000), Section 1.2.3.
[1177] ILO-IPEC, Time-Bound Pamphlet on Nepal, 2001. Of those girls who are rescued or are able to return to their villages from India, a sample study found that 37 percent were infected with HIV. ILO-IPEC, *Nepal Implementation Report*, 1998-1999, Section 1.2.3 [hereinafter *Nepal Implementation Report*].
[1178] *Country Reports 2000—Nepal* at Section 6f.
[1179] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.
[1180] *World Development Indicators.*
[1181] *Sustainable Elimination of Bonded Labor in Nepal* at 1.
[1182] *Nepal Implementation Report* at Section 1.2.1.
[1183] *Sustainable Elimination of Bonded Labor in Nepal* at 1.
[1184] *Country Reports 2000—Nepal* at Section 6d.
[1185] MOE National Centre for Education Development, *Development of Training Package on Child Rights, Human Rights and Gender Equality for Primary School Teachers*, report to ILO-IPEC (Kathmandu, 2000), as cited in *Sustainable Elimination of Bonded Labor in Nepal* at 2.
[1186] National Planning Commission of Nepal, *Situation Analysis of Child Labor in Nepal* (Kathmandu, July 1997), 71 [hereinafter *Situation Analysis of Child Labor in Nepal*].

Labor Act of 1999 and the Children's Act of 1992, which prohibit the employment of children under 14 years old from working in any kind of employment.[1187] While the Children's Act prohibits the employment of children in hazardous work, there is no definition in the legislation of what constitutes hazardous work. The restrictions on child labor do not apply to businesses with 10 or less employees.[1188]

On July 17, 2000, the government declared the practice of *kamaiya* and the incurrence of their debt, known as *saunki*, illegal.[1189] The Ministry of Land Reforms and Management (MOLRM), with technical assistance from the ILO, drafted a Bill on the Abolition of Bonded Labour. The proposed bill provides the legal framework for enforcement of the ban by prohibiting the inheritance of private debt and annulling outstanding loans.[1190]

The 1990 Constitution (Article 20) and Nepali law prohibits trafficking. The maximum penalty for trafficking is a prison sentence of 20 years.[1191] There is no law that criminalizes prostitution or child pornography. However, based on the Children's Act, the Women Trafficking Act of 1986, the National Code of 1963 and the Public Offense Act of 1971, they are considered illegal practices.[1192]

Enforcement and effective implementation of child labor laws is weak, mostly because child labor procedures, jurisdictions and penalties are inadequate and ambiguous.[1193]

The Government of Nepal ratified ILO Convention No. 138 on the Minimum Age for Employment on May 30, 1997, and ILO Convention No. 182 on the Worst Forms of Child Labor on January 3, 2002.[1194]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Nepal became a member of ILO-IPEC in 1994. Since then, almost 12,000 working children and their families have benefited from more than 100 ILO-IPEC action programs and mini-programs.[1195]

[1187] The Labor Act defines a minor as anyone between the ages of 14 and 18, and the Children's Act identifies a child as below the age of 16 years; see *Situation Analysis of Child Labor in Nepal* at 70-71. *See also* Yubaraj Sangroula, "Child Labor: Legislation and Enforcement Situation" (Kathmandu: Tribhuvan University, Faculty of Law, 1997), 8-10 [hereinafter "Child Labor: Legislation and Enforcement Situation"].
[1188] *Situation Analysis of Child Labor in Nepal* at 71, 73.
[1189] *Sustainable Elimination of Bonded Labor in Nepal* at 3-4.
[1190] Ibid. at 3.
[1191] *Country Reports 2000—Nepal* at Section 6f.
[1192] U.S. Embassy-Kathmandu, unclassified telegram no. 001664, August 21, 2000.
[1193] "Child Labor: Legislation and Enforcement Situation" at 15.
[1194] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.
[1195] ILO-IPEC Country Profile: Nepal (Geneva: ILO-IPEC, 2001), 1-2.

In 2001, Nepal became one of three countries—the only one in Asia—to launch a comprehensive Time-Bound Program aimed at eliminating the worst forms of child labor within a specified time period. The ILO-IPEC program, funded by the U.S. Department of Labor (USDOL) targets trafficked children and children working in domestic labor, portering, rag picking, mines, and the carpet sector.[1196] The government is currently consolidating several sectoral plans of action against child labor to form a single master plan of action to eliminate child labor in the next 10 years, with priority action beginning on the worst forms.[1197]

The Government of Nepal has drawn up a proposal for immediate action for rescue and rehabilitation of recently freed bonded laborers. The Ministry of Land Reforms and Management provided 60 million rupees (US$ 892,000) for fiscal year 1999/00 and 2000/01 for debt relief, housing, rehabilitation, and training of formerly bonded child workers and their families.[1198] With funding from USDOL, ILO-IPEC launched a major project to achieve the sustainable liberation of an estimated 14,000 formerly bonded labor families, including 16,000 formerly bonded children. The project will offer vocational training, education, legal and counseling services, small business loans, and other support for newly freed bonded laborers in order to prevent them from reentering exploitative forms of labor.[1199]

The government has a National Plan of Action to Combat Trafficking and is in the process of developing legislation that addresses trafficking as well as sexual abuse of children.[1200] With funding from USDOL and the technical assistance of ILO-IPEC, the Ministry of Women and Social Affairs and the NGO Maiti Nepal have implemented a program to eliminate trafficking and commercial sexual exploitation of children.[1201] Additionally, Nepal is one of three counties participating in the ILO-IPEC South Asian subregional project to combat trafficking of children for exploitative labor, also funded by USDOL.

b. Educational Alternatives

Nepal has no specific education laws. However, the government has adopted various policies on education, including the New Education Strategy and Policy (NESP), which provides state funding for establishing schools throughout the country.[1202] Although education is not compulsory, the government provides free primary education for all children between the ages of 6 and 12. Children up to grade three receive books free of charge, and children from designated remote areas receive free books up to grade five. Still, public primary schools commonly charge non-tuition fees to offset their expenses[1203] and families frequently do not have the money to pay for school supplies and clothing.[1204]

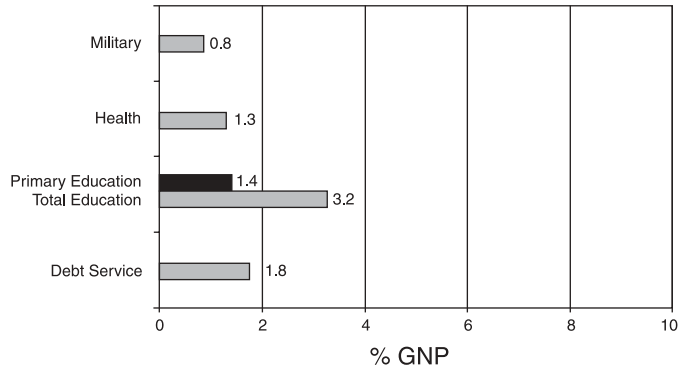
[1196] ILO-IPEC, "Supporting the Time-Bound Programme in Nepal: The IPEC Core TBP Project" (Geneva, September 2001), 26.
[1197] "Action Against the Worst Forms of Child Labor in Nepal" at 9.
[1198] "Action Against the Worst Forms of Child Labor in Nepal" at 9.
[1199] *Sustainable Elimination of Bonded Labor in Nepal* at 28.
[1200] Unclassified telegram 001216.
[1201] ILO-IPEC, *Setting National Strategies for the Elimination of Girls' Trafficking and Commercial Sexual Exploitation of Children in Nepal* (Geneva, 1997), 1.4, 2.5.
[1202] *Sustainable Elimination of Bonded Labor in Nepal* at 2.
[1203] Ibid. at 1.
[1204] *Country Reports 2000—Nepal* at Section 5.

With the realization that many of the country's children, including child workers, do not have access to adequate primary schooling, the government and NGOs have been trying to meet the needs of many out-of-school children. The 2000-2001 federal budget calls for a 52 percent increase in government spending on education.[1205] In its Ninth-Year Plan (1997-2001), the government aims to make primary education easily accessible and compulsory and is currently implementing a pilot program in six districts to test compulsory primary education. In order to achieve sustainable long-term objectives, the government is working with international donors to implement a $106 million dollar Basic and Primary Education Project (BPEP). [1206]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1207]

Selected Government Expenditures as a Percentage of Nepal's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

[1205] Unclassified telegram 001216, 6/9/00.

[1206] *Sustainable Elimination of Bonded Labor in Nepal* at 2.

[1207] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

NICARAGUA

1. Child Labor in Nicaragua

Estimates on the number of working children in Nicaragua vary considerably. In 1998, the ILO's *Yearbook of Labour Statistics* estimated that 10.8 percent (74,180) of children between the ages of 10 and 14 in Nicaragua were working.[1208] Using a broader age range, the National Commission Against Child Labor estimated that in 1998 there were approximately 160,000 children under the age of 17 working in Nicaragua.[1209] According to the latest estimates by the Nicaragua Center for Human Rights (CENIDH), a non-profit organization, there are approximately 322,000 working children.[1210]

Child labor in Nicaragua is reported in the production of export crops such as coffee, cotton, bananas, tobacco, and rice.[1211] A study conducted by the National Commission Against Child Labor in 1998 found that as many as 140,000 children were employed in rural activities including the harvesting of crops.[1212] Children often work for less than US$1 per day alongside their parents on banana and coffee plantations.[1213]

There are reports of children forced to work in the streets of Managua as vendors and beggars by their parents; in some cases, these children are "rented" by their parents to organized networks of beggars. Between 4,000 and 5,000 children are estimated to work on the streets of the capital city, selling merchandise, cleaning automobile windows, or working in other activities.[1214]

Child prostitution has risen in Nicaragua, particularly in Managua and in port cities along the Honduran and Costa Rican borders.[1215] According to the United Nations Children's Fund (UNICEF), prostitution among children between the ages of 12 and 16 has grown significantly; in towns, taxi drivers often operate as "middlemen" in the commercial sexual exploitation of these children. The Organization of American States (OAS) has also noted increased sexual exploitation of girls as young as 10 years old. Truck drivers and other travelers, including foreigners, are known to engage in the commercial sexual exploitation of young girls in rural areas, particularly in towns along the Pan-American Highway.[1216]

[1208] International Labor Organization, *Yearbook of Labour Statistics* (Geneva: ILO, 1999).

[1209] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), Section 6d [hereinafter *Country Reports 1999—Nicaragua*].
Ibid. at Section 5.

[1210] U.S. Embassy-Nicaragua, unclassified telegram no. 001775, June 23, 2000 [hereinafter unclassified telegram 001775].

[1211] *Internationally Recognised Core Labour Standards in Nicaragua: Report for the WTO General Council Review of the Trade Policies of Nicaragua* (Geneva, October 1999), 3.

[1212] *Country Reports 1999—Nicaragua* at Section 6d.

[1213] Ibid.

[1214] *Country Reports 1999—Nicaragua* at Section 6d.

[1215] Ibid. at Section 5.

[1216] Ibid. at Sections 5.

The Ministry of the Family sponsored a six-month investigation into child prostitution in five municipalities between December 1998 and May 1999. Eighty-two percent of the children surveyed indicated that they started engaging in prostitution within the past year. Many of the children interviewed reported prostituting themselves to purchase basic necessities such as food and clothing. Others spoke of prostitution as a means of supporting their drug habit.[1217] Cases involving the trafficking of girls for the purposes of prostitution have also been reported in Nicaragua.[1218]

2. Children's Participation in School

Between the years of 1997 and 1998, the gross primary attendance rate was 105.1 percent, and the net primary attendance rate was 73.1 percent. In 1997, the gross primary enrollment rate was 101.6 percent, and the net primary enrollment rate was 78.6 percent.[1219] Children of the urban poor completed an average of three years of schooling in 1998, while children of the rural poor completed an average of 1.6 years.[1220] In 1996, 51 percent of primary school entrants reached the fifth grade.[1221]

An estimated 35 percent of public schools were in need of repair in 1996. Poor teaching quality, however, is reported as the most visible constraint to quality education in Nicaragua, as teachers are not adequately trained or paid.[1222]

3. Child Labor Law and Enforcement

Nicaragua's Constitution prohibits employment of children that could adversely affect normal childhood development or interfere with a child's schooling. It also prohibits forced or compulsory labor and provides protection from any type of economic or social exploitation.[1223]

Nicaragua's 1996 Labor Code raised the country's minimum age for employment from 12 to 14 years. Parental consent is required for children between the ages of 14 and 16 to be employed.[1224] The Labor Code limits the work of children between the ages of 14 and 17 to a maximum of six-hours per day and prohibits them from working at night. The employment of youth is prohibited in places that endanger their health and safety such as mines, garbage dumps,

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[1217] Ibid. at Section 5.

[1218] Ibid. at Section 5. In July the local media reported the arrest of three Guatemalan citizens involved in trafficking girls and young women, including Nicaraguan citizens, for forced prostitution in Guatemala.

[1219] *World Development Indicators.*

[1220] In 1998 the average years of schooling completed by all students nationwide was 4.5 years; *see* World Bank, "Nicaragua: Second Basic Education Project," Washington, D.C., 1998 [hereinafter "Nicaragua: Second Basic Education Project"].

[1221] *World Development Indicators 2000*.

[1222] "Nicaragua: Second Basic Education Project."

[1223] Political Constitution of Nicaragua, Article 84.

[1224] Nicaraguan Labor Code, 1996, Article 131. See also Unclassified telegram 001775.

and night entertainment venues (night clubs, bars, etc.).[1225] Employers violating the law by employing children illegally face steep fines ranging from 500 to 5,000 *córdobas* (US$40 to US$400) per violation.[1226]

The Children and Adolescent Code of 1998 affords children additional protections. Article 76 calls for the different sectors of society—government, private institutions, family, community, and schools—to share responsibility for ensuring the welfare of children who are abandoned, abused, exploited, disabled, orphaned, pregnant, working, addicted to illegal substances, or faced with other circumstances requiring special protection.[1227]

The Labor Ministry has created a separate child labor investigations department. This department monitors occupational safety and health in the agricultural sector. The Ministry has also signed agreements with nightclub and restaurant owners who have pledged to comply with the country's child labor laws. A government resolution prohibits employment of minors in "Free Trade Zones."[1228]

Nicaragua's Penal Code prohibits individuals from promoting or engaging in the prostitution of children. Articles 200 and 201 of the code provide for a penalty of four to 10 years in prison for a person who entices or forces a child under the age of 12 to engage in sexual activities. Individuals who do the same to persons between the ages of 12 and 18 years may be sentenced to between one and five years in prison.[1229]

Nicaragua ratified ILO Convention No. 138 on Minimum Age for Employment on November 2, 1981, and ILO Convention No. 182 on the Worst Forms of Child Labor on November 6, 2000.[1230]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Through the National Commission for the Eradication of Child Labor, the Government of Nicaragua, in collaboration with international organizations, nongovernmental organizations (NGOs), and the private sector, has developed a strategic plan for addressing child labor in the

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[1225] Ibid. at Article 133, 134.

[1226] Unclassified telegram telegram 001775.

[1227] 1998 Nicaraguan Children and Adolescents Code.

[1228] Unclassified telegram telegram 001775.

[1229] Nicaraguan Penal Code, Article 200, as cited in U.S. Embassy-Nicaragua, unclassified telegram no. 002462, September 1, 2000 [hereinafter unclassified telegram 002462]. It is important to note that prostitution of children is reportedly sometimes camouflaged under the guise of "sexual consent." *See* unclassified telegram 001775.

[1230] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

country. Under the Commission's guidance, the Ministry of Labor's International Relations Committee plans to inspect industries where children have historically worked.[1231]

The Commission has initiated a variety of activities aimed at combating child labor. These include development of a national program for the care and protection of child and adolescent workers, a project to strengthen child labor inspections, and a national campaign, "Study First, Work Later." In addition, the Commission has instituted initiatives aimed at the progressive elimination of child labor in the indigenous community of Subtavia, Leon, on the streets of Managua, and in the market of Santos Barcenas.[1232]

The Ministry of Family sponsors several programs targeting minors. The programs, which reach nearly 10,000 minors nationally, assist parents with childcare, provide incentives for minors to return to school, and offer skills training through technical and vocational programs. The Ministries of Family and Education have also collaborated to assist children working as windshield cleaners in city intersections, 75 percent of whom are homeless and as many as 60 percent of whom are school dropouts. This program has reached 647 children, providing them with housing and schooling.[1233]

The ILO's International Program on the Elimination of Child Labor (ILO-IPEC) is currently working with the Ministry of Labor on five projects to eliminate child labor:

- In partnership with the Mayor of Managua's office and with funding from the U.S. Department of Labor (USDOL), one ILO-IPEC program seeks to eliminate child labor in the capital's largest garbage dump, Acahualinca. The program, which began in 2000, aims to reach at least 700 children, enroll them in school, and provide them with transportation to and from school.[1234]

- A second ILO-IPEC project, which works through a local NGO, the Mary Barreda Association, aims to address the problem of children in prostitution in León. The program began in 1998 and has reached over 100 children engaged in prostitution, as well as 73 at-risk families.[1235]

- A third ILO-IPEC project, also supported by USDOL, targets children working in coffee farms in the rural areas of Matagalpa and Jinotega. The program aims to provide educational opportunities for over 4,000 children and income generating alternatives for

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[1231] Three hundred twenty-four employees operating with an annual budget of US$935,000 are responsible for carrying country-wide inspections. U.S. Embassy-Nicaragua, unclassified telegram no. 000619, February 27, 1998 [hereinafter unclassifed telegram 000619].

[1232] *Activities Realized to Eradicate Child Labor in Nicaragua* (Managua: Ministry of Labor, April 1999), 8-12 [hereinafter *Activities Realized to Eradicate Child Labor in Nicaragua*].

[1233] Unclassified telegram telegram 001775.

[1234] IPEC, "Elimination of Child Labor at La Chureca DumpYard," project document (Geneva: ILO-IPEC, 2000), 13; *see also* unclassified telegram telegram 001775.

[1235] IPEC, *Elimination of Child Labor and Risk of Sexual Exploitation of Girls and Teenagers in the Bus Terminal of the Municipality of Leon*, Progress Report (Geneva: ILO-IPEC, March 2001), 4 [hereinafter *Elimination of Sexual Exploitation in the Bus Terminal of Leon*].

500 families. The National Commission and local coffee farmers have committed to finance construction of 24 schools on their farms to provide instruction for children during the harvest season.[1236] In Matagalpa, the coffee industry has also committed to provide parents with land for growing coffee as an alternative source of income that can help to reduce their dependence on the labor of their children.[1237]

- A fourth ILO-IPEC project, with USDOL support, aims to eliminate child labor in farming and stockbreeding in the Department of Chontales. This program aims to withdraw children between the ages of 7 and 14 from work and provide 5,000 of them with educational opportunities as well as pre-school for another 720 children. Income generating alternatives will also be provided to 300 families in the Department of Chontales. The National Union of Farmers and Stockbreeders (UNAG) is also seeking to mobilize the participation of other agricultural and rural associations so that child labor can be gradually phased out of Nicaragua's commercial agricultural sector.[1238]

- And fifth, Nicaragua's Ministry of Labor has begun a national child labor survey, with support from USDOL, through ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC) and with the participation of the United Nations Children's Fund (UNICEF). The survey, which will target children between the ages of 5 and 17, will be the first of its kind in the country.[1239]

Other organizations are also active in combating child labor in Nicaragua. Save the Children is involved in teaching parents and employers about the detrimental effects of child labor and assists working children to return to school.[1240] In November 2000, UNICEF began collaborating with the Nicaraguan Labor Ministry to conduct a national survey on street children.[1241]

b. Educational Alternatives

The Nicaraguan Children and Adolescents Code establishes free primary education, and school is compulsory through the sixth grade.[1242] This provision, however, is generally not enforced.[1243] A Constitutional mandate requiring the government to utilize 6 percent of its budget

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[1236] IPEC, "Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Nicaragua," project document (Geneva: ILO-IPEC, 1999); *see also* unclassified telegram telegram no. 001775.

[1237] Interview with ILO-IPEC by U.S. Department of Labor official, August 11, 2000 [hereinafter ILO-IPEC interview].

[1238] IPEC, "Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales," project document (Geneva: ILO-IPEC, 1999).

[1239] SIMPOC Program Document, Central America (Geneva: ILO-IPEC, Sept. 21, 1999). *See also* ILO-IPEC interview.

[1240] Unclassified telegram, 2/2718.

[1241] *UN Wire*, "Nicaragua: Survey to Assess Number of Street Children," November 15, 2000.

[1242] Article 43 of the 1998 Nicaraguan Children and Adolescents Code. See also *Country Reports 1999—Nicaragua* at Section 5.

[1243] *Country Reports 1999—Nicaragua* at Section 5.

to fund higher education limits resources available for primary and secondary programs in the country.[1244]

In 1993, the Government of Nicaragua and the World Bank launched a project to improve basic education by enhancing infrastructure and training at the school level. The project was also intended to increase school autonomy by devolving management to the local level while increasing the Ministry of Education's capacity to monitor schools and reducing costs of education by providing textbooks and other inputs.[1245]

According to the Government of Nicaragua, by 1998 primary curriculum reform had been implemented in approximately 98 percent of the country's schools, and pre-school enrollment of boys and girls in rural areas had reportedly increased.[1246] Recently, the Ministry of Education and other government and nongovernmental entities have taken measures to expand educational opportunities, such as opening "extra-age" classrooms in urban elementary schools.[1247] In addition, the Ministry of Labor has undertaken a national campaign entitled, "Study First, Work Later."[1248]

In 1997, public spending on all education as a percentage of gross national product (GNP) was 3.9 percent.[1249] In that same year, government spending dedicated to primary education as a percentage of GNP was approximately 2.2 percent.[1250]

[1244] Ibid.

[1245] "Nicaragua: Second Basic Education Project."

[1246] Nicaragua Supplementary Report to the Committee on the Rights of the Child, March 19, 1999, 3.

[1247] *Elimination of Sexual Exploitation in the Bus Terminal of Leon* at 2.

[1248] *Activities Realized to Eradicate Child Labor in Nicaragua* at 10.

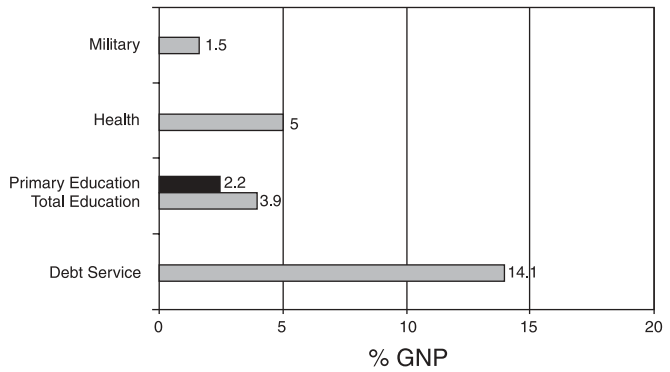
[1249] *World Development Indicators 2000*.

[1250] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Nicaragua (Paris, 2000).

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1251]

Selected Government Expenditures as a Percentage of Nicaragua's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1251] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

NIGERIA

1. Child Labor in Nigeria

In 1998, the International Labor Organization (ILO) estimated that 24.6 percent of children between the ages of 10 and 14 in Nigeria were working.[1252] In 1994, the United Nations Children's Fund (UNICEF) reported that approximately 24 percent (12 million) of all children under the age of 16 worked.[1253]

Child labor is found predominately in the informal sector. In rural areas, children are found working in agriculture and on family farms. They are seldom employed by state-owned commercial agriculture plantations, which are responsible for much of the agricultural production for export.[1254] In cottage industries and mechanical workshops, children work as apprentices in various crafts or trades such as weaving, tailoring, catering, hairdressing, and auto repair.[1255] In urban areas and towns children work on the streets as vendors, car washers, scavengers, beggars, head-load carriers, feet-washers and bus conductors.[1256] In 1996, the Child Welfare League reported that in Lagos alone there were 100,000 boys and girls living and working on the streets.[1257] In northern Nigeria, children, known as the *almajirai*, survive on the street by begging.[1258]

Children in prostitution and trafficking of children are reported in Nigeria. According to a 1998 report by the International Labor Organization (ILO), the incidence of child prostitution has been growing.[1259] A separate report revealed that 19 percent of the school children and 40 percent of the street children surveyed had been trafficked, and nearly all of the trafficked children were economically active.[1260] Trafficked children are employed in agriculture and herding, and as domestic servants, sex workers, drug peddlers, hawkers, petty traders, beggars, car washers, and bus conductors.[1261]

[1252] *World Development Indicators 2000*.

[1253] *The Progress of Nigerian Children*, UNICEF/Nigeria Federal Office of Statistics, 1995.

[1254] U.S. Embassy-Lagos, unclassified telegram no. 003774, April 11, 1995 [hereinafter unclassified telegram no. 003774].

[1255] U.S. Embassy-Lagos, unclassified telegram no. 002617, August 15, 2000 [hereinafter unclassified telegram 002617].

[1256] Ibid.

[1257] Child Welfare League of Nigeria, *Alternative Report on the Implementation of CRC*, submission to the CRC, September-October 1996 [hereinafter *Alternative Report*], as cited in *The Worst Forms of Child Labor: Country-Wise Data October 2000* (New Delhi: The Global March Against Child Labour, 2000).

[1258] Facsimile from Jon P. Dorschner, U.S. Embassy-Lagos, to U.S. Department of Labor official (April 21, 1995).

[1259] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000—Nigeria*] at Section 6d.

[1260] U.S. Embassy-Lagos, unclassified telegram no. 000569, February 18, 2000 [hereinafter unclassified telegram 000569].

[1261] *See* Unclassified telegram 000569. *See also* "IPEC Summary of Individual Country Programs—Nigeria" (Geneva: ILO-IPEC, 1999) [hereinafter "IPEC Summary of Individual Country Programs—Nigeria," National Program on the Elimination of Child Labour in Nigeria, project document.

Child traffickers take advantage of a cultural tradition of "fostering," where a poor, usually rural family sends a child to live and work with a family in an urban area for educational and employment purposes. Often, children in these situations do not receive any formal education. Instead, they are forced to serve as domestic servants, become street hawkers, or engage in other activities, and many of them are vulnerable to physical and sexual abuse by their guardians. There are also credible reports that poor families sell their daughters into marriage under the guise of fostering as a means of supplementing their income.[1262]

Nigeria is a source, destination, and country of transit for trafficking of children. Children are trafficked to and from Cameroon, Gabon, Benin, Equatorial Guinea, Togo and other West African countries to work in agricultural enterprises, as domestic servants, or as prostitutes. Trafficking of children has been particularly pronounced in eastern Nigeria and in some southern states.[1263] There are also reports of trafficking of children to non-African countries, such as to the United States and Europe.[1264]

2. Children's Participation in School

Recent primary school attendance rates are unavailable for Nigeria.[1265] While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1266] Gross primary school enrollment has declined in Nigeria from approximately 86.2 percent in 1993 to 70.3 percent in 1996.[1267] Dropout rates for both males and females in primary school remained high, around 10 to 15 percent between 1990 and 1994 for each level of education.[1268] Only 64 percent of the students in primary school completed grade five, and only 43.5 percent continued on to junior secondary school.[1269]

School quality has reportedly deteriorated in Nigeria, and recent school reforms have been slow to take effect.[1270] Teachers are not well trained and are poorly paid, making them less motivated and contributing to poor or irregular school attendance among children.[1271]

[1262] "IPEC Summary of Individual Country Programs—Nigeria."

[1263] *Country Reports 2000—Nigeria* at Section 6f.

[1264] Ibid.

[1265] In 1990, the gross primary attendance rate was 83.4 percent, and the net primary attendance rate was 54.4 percent. *See* USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1266] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1267] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Nigeria (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Nigeria*] .

[1268] *Education for All: Year 2000 Assessment—Nigeria*; *see also* Education for All (EFA) 2000, Country Report, Nigeria [online] (www2.unesco.org/wef/countryreports/country.html) [hereinafter EFA 2000].

[1269] Ibid.

[1270] Ibid.

[1271] Ibid.

A bias frequently exists against girls' education, particularly in rural and northern areas of Nigeria. Only 42 percent of rural girls are enrolled in school compared with 72 percent of urban girls.[1272] In the north, girls are often withdrawn from school and placed into early marriages, domestic and agricultural labor, or commercial activities such as trading and street vending.[1273] In addition, there are reports that school-based gangs target girls, raping or killing them as part of gang activity.[1274]

3. Child Labor Law and Enforcement

The Labor Act of 1974 prohibits the employment of children under the age of 15 in commerce and industry and restricts labor performed by children to home-based agricultural or domestic work.[1275] The Labor Act of 1974 stipulates that children may not be employed in agricultural or domestic work for more than eight hours per day, and that children under the age of 12 cannot be required to lift or carry loads that are likely to harm their physical development.[1276] The Labor Act of 1974 also prohibits forced labor.[1277]

The Ministry of Labor and Productivity's Inspections Department is responsible for enforcing legal provisions relating to conditions of work and protection of workers.[1278] There are, however, fewer than 50 inspectors for the entire country, making it difficult for them to fulfill these responsibilities.[1279] Moreover, the Ministry conducts inspections only in the formal business sector, although most child labor occurs in the country's informal sector.[1280]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

On August 8, 2000, the Government of Nigeria signed a Memorandum of Understanding with the ILO, becoming a member of the ILO's International Program on the Elimination of Child Labor (ILO-IPEC). As part of efforts to address child labor in the country, the Government of Nigeria and IPEC, with funding support of the U.S. Department of Labor (USDOL), have launched a country program and established a National Steering Committee that includes representatives from the government, labor, industry, and nongovernmental organizations (NGOs). The steering committee is responsible for developing and overseeing implementation of a national plan of action on child labor. In addition, Nigeria has carried out a

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[1272] *Country Reports 2000—Nigeria* at Section 5, 6f.
[1273] *Country Reports 2000—Nigeria*; see also *Alternative Report*.
[1274] Electronic correspondence from Women's Health Organization of Nigeria to U.S. Department of Labor official (December 16, 1999).
[1275] *Country Reports 2000—Nigeria* at Section 6d.
[1276] U.S. Embassy-Lagos, unclassified telegram no. 002617, August 15, 2000.
[1277] *Country Reports 2000—Nigeria* at Section 6c.
[1278] Ibid at Section 6d.
[1279] Ibid.
[1280] Ibid.

national child labor survey with technical support from ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC) and funding from USDOL.[1281]

Nigeria is also active in an ILO-IPEC regional project, funded by USDOL, to combat trafficking of children for labor exploitation in West and Central Africa. The first phase of the project involved an assessment of the trafficking problem in nine African countries, including Nigeria, and workshops at the national and regional level to review country-level findings. A national plan of action to combat trafficking in Nigeria has been developed by the Federal Ministry of Women Affairs and Youth Development with support from ILO-IPEC and the UNICEF.[1282] In July 2001, a second phase of the project began focusing on direct action to assist children who are victims of trafficking, raising awareness, strengthening local capacity to address the problem, and enhancing regional cooperation to address trafficking.[1283]

UNICEF has established a series of programs for street children in Nigeria and launched a collaborative project with ILO-IPEC specifically aiding the *almajirai* children.[1284] The United Nations Educational, Scientific, and Cultural Organization (UNESCO) funded a study on street children in 1995, which was implemented by the Child Life Line, a local NGO. The Child Life Line opened centers to rehabilitate street children in Lagos based upon its findings, and in 1999, hosted a workshop to help other NGOs set up effective street children focused programs.[1285] Many other NGOs, such as the Child Project, Galilee Foundation, Kingi Kids, the Friends of the Disabled, and the Samaritans are also involved in efforts to rescue and rehabilitate street children.[1286]

b. Educational Alternatives

In September 1999, the president of Nigeria launched the new Universal Basic Education plan that requires the first nine years of schooling to be free and compulsory.[1287] The plan aims to improve the relevance, efficiency, and quality of schools and to create programs to address the basic education needs of nomadic and out-of-school children, youth and adults.[1288] In its 2000 budget, the Government of Nigeria budgeted 46 billion *naira* (US$460 million) to support this plan.[1289]

The Federal Ministry of Women Affairs and Social Welfare has worked in collaboration with UNICEF and the Centre for Non-Formal Education and Training (CENFET) on a non-

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[1281] "IPEC Summary of Individual Country Programs—Nigeria."

[1282] Ibid.

[1283] "Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)," Project Document (ILO-IPEC, 2000), 3-4.

[1284] "IPEC Summary of Individual Country Programs—Nigeria."

[1285] *Education for All: Year 2000 Assessment—Nigeria*; *see also* EFA 2000).

[1286] EFA 2000 at Section 12.2.9, "Rescuing, Rehabilitation and Returning Street Children" (www2.unesco.org/wef/countryreports/nigeria/rapport_3_1.html); cited October 30, 2001.

[1287] "IPEC Summary of Individual Country Programs—Nigeria"; see also EFA 2000.

[1288] Ibid.

[1289] Felix Machi Njoku, "Nigeria Initiates an Ambitious Literacy Program," *Pan-African News*, Johannesburg, December 8, 1999.

formal education curriculum for girls, children without access to school, and school dropouts, particularly those from Koranic schools where girls account for 60 percent of all dropouts.[1290] These efforts have contributed to an increase in enrollment, particularly among girls, and enhanced opportunities for non-formal and nomadic education.[1291] In a pilot project in Sokoto state in Northern Nigeria, enrollment in basic education rose from 914 pupils in 1996 to 115,525 pupils in 2000, of which 73,291 had passed their exams.[1292] The project recorded a less than 0.2 percent dropout rate, with fewer girls dropping out than boys.[1293]

From 1989 to 1995, public spending on education as a percentage of gross national product (GNP) in Nigeria has ranged from 0.5 percent to 1.0 percent.[1294]

[1290] *Country Reports 2000—Nigeria* at Section 5.

[1291] ILO-IPEC, "National Programme on the Elimination of Child Labour in Nigeria," 1999, 3. See also *Country Reports 1999—Nigeria* at Section 5.

[1292] "IPEC Summary of Individual Country Programs—Nigeria."

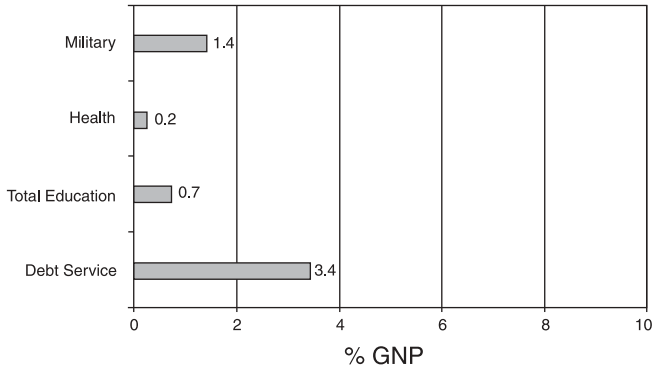
[1293] Ibid. See also *Country Reports 1999—Nigeria*.

[1294] *World Development Indicators 2000*.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1295]

Selected Government Expenditures as a Percentage of Nigeria's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

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[1295] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

PAKISTAN

1. Child Labor in Pakistan

In 1998, the International Labor Organization (ILO) estimated that 16.3 percent of children between the ages of 10 and 14 in Pakistan were working.[1296] According to a 1996 national child labor survey conducted by Pakistan's Federal Bureau of Statistics, an estimated 8.1 percent (3.2 million) of children between the ages of 5 and 14 were economically active, with 46 percent of working children active beyond the standard 35-hour work week. Boys accounted for 73 percent (2.4 million) of working children in this age group, and girls accounted for 27 percent (0.8 million) of working children in the same age group.[1297] The survey further revealed that children in rural areas were eight times more likely to be economically active than those in urban areas.[1298] The 1997-98 national labor force survey found that 13 percent of children 10 to 14 years of age worked.[1299]

Based on the 1996 national child labor survey, a majority (71 percent) of working children in Pakistan were involved in unskilled occupations.[1300] More than two-thirds of the working children (67 percent) are engaged in the agricultural sector, and about one in 10 (11 percent) worked in manufacturing. Overall, about 70 percent of working children are unpaid family helpers (75 percent in rural areas but under 33 percent in urban areas). Thirteen percent of the children worked 56 or more hours per week, and about 7 percent suffered from frequent illnesses or injuries.[1301]

[1296] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[1297] Government of Pakistan, Child Labour Survey 1996: Excerpt from Main Report, vol. 1, 1996, Summary Results and Tables at 3, 7 (www.statpak.gov.pk/Childlab2.doc) [hereinafter Child Labour Survey 1996].

[1298] Of the 3.3 million working children, 1.94 million worked in Punjab Province (8.6 percent of the province's 5–14-year-olds), 0.30 million in Sindh Province (3.5 percent), 1.06 million in the North West Frontier Province (15.8 percent), and 0.01 million in Balochistan (0.5 percent), Tables 7 and 8. The survey was conducted with assistance from the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). *See* International Labor Organization, "IPEC in Action: Asia, ILO-IPEC Programme in Pakistan" at www.ilo.org/public/english/standards/ipec/action/31asia/pakist98.htm; cited June 16, 2000 [hereinafter "IPEC in Action"]. *See also* Child Labour Survey 1996 at 4.

[1299] *Labour Force Survey 1997-98* (Karachi: Government of Pakistan, Federal Bureau of Statistics, Statistics Division, June 2000), Statistical Appendix Table 6 at 112. Children aged 10 to14 years accounted for about 18 percent of the nation's total population, 2.4 percent of its total labor force, and 2.1 percent of all employed persons. Table 5, 97.

[1300] Child Labor Survey 1996 at 4. Elementary (unskilled) occupations includes sales and services; agricultural, fishery, and related laborers; and laborers in mining, construction, manufacturing, and transport. *See* S. M. Younus Jafri, "Nature and Extent of Child Labour in Pakistan," paper presented at the seminar "Elimination and Rehabilitation of Child Labour Especially from the Exportable," Lahore Chamber of Commerce and Industry and the German Friedrich Ebert Stiftung, Lahore, Pakistan, January 5, 1996, 6 [hereinafter"Nature and Extent of Child Labour in Pakistan"].

[1301] Most of the illnesses and injuries suffered by working children (71 percent) were in the agricultural sector, followed by mining, construction, manufacturing, and transport. *See* "Nature and Extent of Child Labour in Pakistan" at 6-9.

Children in Pakistan are reportedly involved in many of the worst forms of child labor. Reports indicate that children are trafficked to the Middle East for purposes of sexual exploitation, bonded labor, and domestic service.[1302] Young boys are kidnapped and trafficked to the Gulf States to work as camel jockeys.[1303] There are also reports that some children and their families suffer under a system of debt bondage in the brick kilns industry.[1304] Children engage in garbage scavenging and carpet weaving, and are used in the smuggling of contraband and drugs. However, there is little reliable evidence on the magnitude or extent of children's involvement in these informal sector and/or illegal activities.[1305]

A 1996 Punjab Labor Department child labor survey of the soccer ball and surgical instruments industries in Sialkot found that children accounted for 17 percent (7,000 working children) of all workers engaged in the area's soccer ball manufacturing and 31 percent (7,700 working children) of all workers engaged in the manufacture of surgical instruments in Sialkot.[1306] A 1998 child labor area/sector survey by the same agency found that children accounted for 16 percent (2,740 working children) of workers in Sialkot's brick manufacturing, 60 percent (5,221 working children) of those in Sialkot's automobile workshops, 27 percent (123 working children) of workers in the Baghbanpura's (an area of Lahore) steel furnaces and spare parts manufacturing, and 7 percent (167 working children) of those engaged in Kasur's tanneries. In 1999, the Punjab Labor Department found 2,100 children working in Faisalabad's textile power looms (5 percent of all workers) and 3,378 working children in automobile workshops in Lahore (18 percent of all workers).[1307]

[1302] Department of State, *Victims of Trafficking and Violence Protection Act 2000: Trafficking in Persons Report* (Washington, D.C., 2000), 92.

[1303] Ibid.

[1304] Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley and Los Angeles: University of California Press, 1999), 150-71. The bonded labor system consists of an employer or creditor providing a cash advance or loan (called *peshgi*) to a worker, with the workers' labor being held as collateral for the loan. The worker (debtor) is obligated (bound) to work for his or her employer or creditor until the debt is completely paid. In some cases, the debts of bonded workers are "sold" by their employer or creditor to another employer, and the workers' obligations are passed from one creditor to another. Children can also "inherit" debt from deceased parents. *See also* All Pakistan Federation of Labour (APFOL), *Bonded Brick Kiln Workers: 1989 Supreme Court Judgement and After* (Rawalpindi: APFOL, 1998) for more information on bonded labor in Pakistan.

[1305] Interview with Dr. Zafar Mueen Nasir, senior research economist, Pakistan Institute of Development Economics, by U.S. Department of Labor official, July 24, 2000.

[1306] Activities for 1998: Surveys of Child Labour (www.dolpunjab.gov.pak/r4.htm); cited July 6, 2000.
In 1996 the United States partially removed 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 *Kantor Recommends Partial GSP Suspension of Pakistan*, press release 96-21 (Washington, D.C.: Executive Office of the President, Office of the United States Trade Representative, March 7, 1996). Since the 1996 Punjab Labor Department survey was taken, significant efforts have been under way to reduce the incidence of child labor in the soccer ball industry (www.ustr.gov/releases/1996/03/96-21.html).

[1307] Ibid.

2. Children's Participation in School

Recent primary school attendance rates are unavailable for Pakistan.[1308] While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1309] Over the decade of the 1990s, school enrollment increased for all grade levels in Pakistan, as did the percentage of females enrolling in school.[1310] In the mid-1990s, gross enrollment rates were 70 percent at the primary level, 47 percent at the middle level, and 42 percent at the upper level. They were higher in urban areas than in rural areas, and higher for males than females. Sizable differences between gross and net enrollment rates are indicative of late or postponed school entry and/or repeating a class level.[1311]

There are significant differences between children's participation in schooling in rural areas versus urban areas. The percentage of children from 5 to 19 years of age in rural areas that have never attended school (43 percent overall) was about double that for urban areas (21 percent overall).[1312] Similarly, rural dropout rates for children 15 to 19 years of age were more than double those for urban areas.[1313] In general, rates for primary school completion were higher for males than for females and higher for urban areas than for rural areas.[1314]

In the mid-1990s, a substantial proportion (30 to 52 percent depending on their age) of 7- to 15-year-olds had fallen one school year behind what was considered normal for their age. The percentage of school dropouts increased after age 8. Also, about one-third of children ages 8 to 15 never attended school.[1315]

Generally, school costs rise substantially from the primary level to post-secondary education. Non-fee expenses, which include uniforms, books and supplies, transportation, and other related expenses, may be a factor that prevents some poor families from sending their children to school.[1316]

[1308] Between the years of 1990 and 1991, the gross primary attendance rate was 81.9 percent, and the net primary attendance rate was 47 percent. *See* USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1309] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1310] Central Bureau of Education, Provincial Bureaus of Statistics, and Academy for Educational Planning and Management, in *Pakistan Statistical Year Book 2000* (Islamabad: Government of Pakistan, Federal Bureau of Statistics, Statistics Division, April 2000), 374, Table 14.3.

[1311] *Pakistan Integrated Household Survey, Round 2: 1996-97*, second edition (Islamabad: Government of Pakistan, Federal Bureau of Statistics, September 1999), Tables 2.6, 2.7, 2.27, 2.28, 2.31, and 2.32 [hereinafter *Pakistan Integrated Household Survey*].

[1312] *Education Sector Performance in the 1990s: Analysis from the Pakistan Integrated Household Survey (PIHS)* (Islamabad: Government of Pakistan, Federal Bureau of Statistics, February 1998), Table 4.4, 27 [hereinafter *Education Sector Performance in the 1990s*].

[1313] *Pakistan Integrated Household Survey* at Table 2.17.

[1314] Ibid. at Table 2.5.

[1315] *Education Sector Performance in the 1990s* at 28-29.

[1316] *Pakistan Integrated Household Survey* at Table 2.15, 16.

3. Child Labor Law and Enforcement

Many of Pakistan's laws on child labor date back to British colonial times and, for the most part, prohibit the employment of children below a specified age in certain economic sectors (i.e., manufacturing, trade and services, transportation, mining, and marine shipping), but not in agriculture (except for tea plantations) or small shops and family-run enterprises in the informal sector. Child labor legislation introduced and implemented since independence has focused on prohibiting child labor in specified occupations and processes involving hazardous or dangerous operations.

For the purposes of most child labor legislation in Pakistan, a "child" is defined as a person under 14 years of age while "adolescents" are persons between 14 and 18 years of age.[1317] The Employment of Children Act of 1991 prohibits the employment of children less than 14 years of age in certain specified occupations and processes that are dangerous or hazardous to the health of workers, but excludes children employed in family operations and government-recognized schools.[1318] The act regulates the hours of work for children and adolescents to no more than seven hours of work per day and bans work after 7 p.m. and overtime work. Employers are required to maintain a register of child workers, and various safety provisions for children are stipulated. Penalties under the act include terms of imprisonment and fines, or both: up to one year and/or up to 20,000 rupees (US$327) for a person who employs a child in a prohibited occupation or process and up to one month and/or up to 10,000 rupees (US$164) for person failing to comply with child worker registration and notice posting requirements.[1319] The Children (Pledging of Labor) Act of 1933 voids all agreements allowing the labor of children less than 15 years of age in any employment in return for any payment or benefits.[1320]

Other laws restricting the employment of children include: The Constitution of the Islamic Republic of Pakistan of 1973; The Tea Plantations Labor Ordinance of 1962; The Mines

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[1317] Under section 19 of the Employment of Children Act 1991 (Act No. V), the definition of "child" in the Mines Act 1923, the Factories Act 1934, the West Pakistan Shops and Establishment Ordinance 1969, were "deemed to have been amended." While generally raising the penalties for child labor violations under these acts and ordinances, an effect of the 1991 act was to lower the age of a child from 15 years to 14 years. See *Report of the Committee of Experts on the Application of Conventions and Recommendations*, "Individual Observation: Pakistan, Convention No. 59, Minimum Age (Industry) (Revised), 1937" (Geneva: International Labour Conference, 1999), which is available on the Internet at: (http://natlex.ilo.org/scripts/laborlex.exe?&lang=E&docno=4493&chap=6).

[1318] Prohibited occupations are related to railway transport, including work related to operations and servicing railway stations and premises, port authorities, and selling of fireworks. Processes prohibited for children are the making of *bidis*; carpet-weaving; cement manufacture and bagging; cloth weaving, dyeing, and printing; manufacture of matches, explosives, and fireworks; mica-cutting and splitting; shellac manufacture; soap manufacture; tanning; wool-cleaning; building and construction industry; manufacture and packing of slate pencils; manufacture of products from agate; and manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, cadmium, benzene, pesticides, or asbestos. The Employment of Children Act of 1991 (Act. No. V), Section 3, Schedules Part I – II, as cited in *Child Labor: The Legal Aspects* at 183-96.

[1319] The Employment of Children Act of 1991 (Act. No. V), as cited in Anees Jillani, *Child Labor: The Legal Aspects*, vol. II (Islamabad: Society for the Protection of the Rights of the Child, October 1997), 183-196.

[1320] The Children (Pledging of Labor) Act of 1933 (Act. No. II), as cited in *Child Labor: The Legal Aspects* at 180-82.

Act of 1923; The Factories Act of 1934; West Pakistan Shops and Establishments Ordinance of 1969; Road Transport Workers Ordinance 1961; and the Merchant Shipping Act of 1923.[1321]

The Bonded Labor System (Abolition) Act of 1992 abolished the bonded labor system and terminated all obligations of a bonded laborer to repay any bonded debt or any remaining part of an unsatisfied bonded debt and prohibited creditors from accepting any payment against any bonded debt. It also provided rules for enforcement by provincial governments, the establishment of Vigilance Committees to ensure enforcement, and the establishment of a fund for the rehabilitation and welfare of freed bonded laborers. Penalties under this act include fines and terms of imprisonment.[1322]

While no law in Pakistan prohibits child prostitution on the grounds of child labor, prostitution is generally prohibited under the country's criminal laws on a moral and social basis, with severe punishments for those convicted under the laws.[1323]

Although basic legislation is in place to address many child labor issues, there are concerns about the implementation and enforcement. The Punjab Labor Department has found that the district-level Vigilance Committees, established under the Bonded Labor System (Abolition) Act of 1992 to advise the district administration on the law and to assist in the rehabilitation of freed bonded laborers, have not performed well.[1324]

Some limited aggregated data on enforcement (number of inspections, prosecutions, and convictions and rupee amount of fines imposed) of child labor-related legislation have been published for Punjab Province. These data reflect an almost fivefold increase in inspections from 1998 to 1999. In 1999, almost 120,000 inspections were conducted, resulting in over 6,000 prosecutions and more than 3,000 convictions. The average fine imposed was 158 rupees (US$2.70).[1325]

The Government of Pakistan ratified International Labor Organization (ILO) Convention No. 182 on the Worst Forms of Child Labor on October 11, 2001.[1326]

[1321] The text of the laws are printed in Anees Jillani, *Child Labor: The Legal Aspects*, vol. 2 (Islamabad, Pakistan: Society for the Protection of the Rights of the Child, October 1997) [hereinafter *Child Labor: The Legal Aspects*.]

[1322] The Bonded Labor System (Abolition) Act of 1992 (Act. No. III), as cited in *Child Labor: The Legal Aspects* at 167-79.

[1323] *Child Labor: The Legal Aspects* at 130.

[1324] "Performance of the Vigilance Committees," Department of Labour, Government of the Punjab (www.dolpunjab.gov.pk/r10.htm); cited July 6, 2000.

[1325] Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, Child Labour Unit, *The Future: News Magazine on Child Labour*, vol. 2, no. 8 / vol. 3, no. 9 (Islamabad, October 1999-May 2000), 32 and "International and National Laws Related to Child Labour," Enforcement of Child Labour Related Legislations, 1996-April 1999, Labor Department, Government of Punjab (http://www.dolpunjab.gov.pk/r2.htm); cited July 6, 2000.

[1326] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Pakistan signed a Memorandum of Understanding (MOU) with the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) in 1994 that articulated the government's political commitment against child labor.[1327] Pursuant to the MOU, Pakistan developed an action plan formalizing activities against child labor and seeking to coordinate efforts by the government, nongovernmental organizations (NGOs), trade unions, employers' organizations, and other bodies. In March 1998, the government established a Task Force on Child Labour that was mandated to formulate policies and strategies for the elimination of child and bonded labor in Pakistan.[1328]

In May 2000, the Federal Cabinet approved the National Policy and Action Plan to Combat Child Labour, which was developed after national consultations by the Task Force on Child Labour.[1329] The National Action Plan is based on an integrated approach at the federal, provincial, district, and local level, with short-term strategies of awareness raising, community mobilization, situational analysis, monitoring and evaluation, and withdrawal of children from exploitative child labor on a priority basis, with the immediate eradication of the worst forms of child labor. The long-term objectives include achievement of universal primary education, full implementation of the law, empowerment of families, poverty alleviation, capacity building of relevant Ministries/Departments and expansion of the social safety net.[1330] It also calls for immediate withdrawal and rehabilitation of children from hazardous and exploitative situations. The strategy notes that girls are particularly vulnerable to exploitation, and lists forced labor, including debt bondage, and work in illicit activities among the worst forms of child labor.[1331]

Pakistan Bait-ul-Mal, a government welfare agency created in 1992,[1332] since has opened a total of 33 centers throughout the country for the rehabilitation of former working children, each with an initial capacity of 60 children. The rehabilitation centers target children (aged 8 to 14) who have been exposed to hazardous and exploitative labor, providing them with training and stipends to children and their families. Students who graduate from the centers are guaranteed full assistance if they want to continue their higher education at any level within or outside the country.[1333]

In addition to the National Policy and Action Plan to Combat Child Labour in Pakistan, NGOs and organized labor federations in Pakistan have adopted similar policies, strategies, and

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[1327] Initially, the Memorandum of Understanding was valid until the end of 1996, but it was extended until the end of 2001.

[1328] *National Policy and Action Plan to Combat Child Labour* (Islamabad: Government of Pakistan, Ministry of Labour, Manpower and Overseas Pakistanis, Child Labour Unit, May 2000), 9 [hereinafter *National Policy and Action Plan*].

[1329] Ibid. at 7, 11.

[1330] Ibid. at 11.

[1331] Ibid. at 19-20.

[1332] "IPEC in Action" (www.ilo.org/public/english/standards/ipec/action/31asia/pakist98.htm); cited June 16, 2000.

[1333] *National Policy and Action Plan* at 45.

plans of action to address the issue of child labor in the country.[1334] In collaboration with Pakistani NGOs, ILO-IPEC has engaged in several major projects to remove and rehabilitate child workers in Pakistan from hazardous and exploitative work. A U.S. Department of Labor (USDOL)-funded ILO-IPEC project in the soccer ball industry of Sialkot removed over 6,000 children from stitching balls by placing them in educational centers, and through registered workplaces and community monitoring, the project has ensured that no new children are engaged in stitching.[1335] In Punjab province, another USDOL-funded ILO-IPEC project aims to provide 10,000 child carpet weavers and their younger siblings with educational opportunities.[1336] Efforts are also under way to address the issue of child/bonded labor and children working in the surgical instruments.[1337]

Various surveys to determine the magnitude of child labor have been conducted in Pakistan. In 1996, the Federal Bureau of Statistics with support from ILO-IPEC conducted a national survey on child labor.[1338] In addition, surveys were conducted by the Government of the Punjab in 1998-99 which examined child labor in different enterprises and occupations within the province.[1339] To date, reliable statistics on the numbers of bonded child laborers have not been collected.[1340]

b. Educational Alternatives

Two of the four provinces of Pakistan currently have compulsory primary education laws in force. In December 1994, the Punjab Assembly passed the Punjab Compulsory Primary Education Act of 1994. The act makes primary education (Classes I-V) compulsory throughout the province. In October 1996, the Government of the North-West Frontier Province (NWFP) passed the NWFP Compulsory Primary Education Act 1996, which introduced compulsory primary education in the province.[1341]

In its national strategy to combat child labor, the Government of Pakistan set a goal of 90 percent enrollment in primary schools by 2002-2003, and projected that compulsory primary education could be feasible by 2004-2005. The government's policy also emphasized vocational training and technical education, as well as the creation of literacy programs for school dropouts and new programs targeted to working children.[1342]

[1334] For a summary of these initiatives, see *National Policy and Action Plan* at 40-43.

[1335] "Elimination of Child Labour in the Soccer Ball Industry in Sialkot (Phase II)," (ILO-IPEC: Geneva, 2000), 7.

[1336] "Combating Child Labor in the Carpet Industry in Pakistan" (ILO-IPEC: Geneva, 1999), Section 3.

[1337] "IPEC in Action" (www.ilo.org/public/english/standards/ipec/action/31asia/pakist98.htm).

[1338] Child Labour Survey 1996.

[1339] *National Policy and Action Plan* at 16.

[1340] International Labor Organization, International Labor Conference, 88th Session, 2000, *Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report and Observations Concerning Particular Countries*, Report III (Part 1A) (Geneva: International Labor Office, 2000), 113-14. Also available on the ILO's ILOLEX database at http://natlex.ilo.org/scripts/laborlex.exe?&lang=E&docno=4997&chap=6.

[1341] Anees Jillani and Zarina Jillani, *Child Rights in Pakistan* (Islamabad: Society for the Protection of the Rights of the Child/Friedrich-Naumann-Stiftung, January 2000), 125-27. The West Pakistan Primary Education Ordinance was enacted in 1962 but never came into force by proper ratification of the law. The Ordinance was replaced by the 1994 Compulsory Primary Education Act.

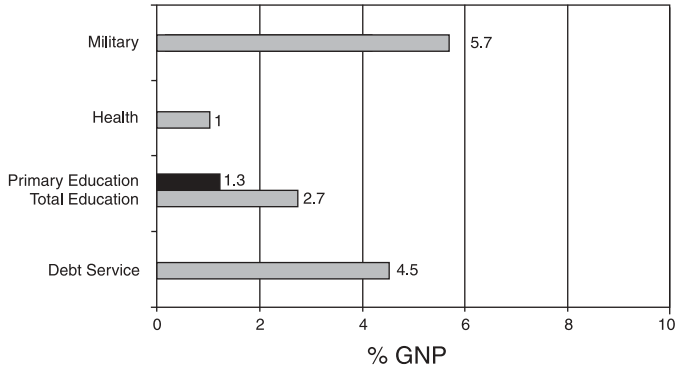
[1342] *National Policy and Action Plan* at 18.

The percentage of the federal budget spend on education has been declining, from 1.2 percent in fiscal year 1995 to 1 percent in 1999. Expenditures on education at the provincial level were 26 percent of the total spending in 1995 and 29 percent in fiscal year 1999.[1343]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1344]

Selected Government Expenditures as a Percentage of Pakistan's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1343] Federal data: Federal Government Budget Publication, as cited in Federal Bureau of Statistics, *Pakistan Statistical Year Book 2000* (Islamabad: Government of Pakistan, Federal Bureau of Statistics, Statistics Division, April 2000), Table 11.2, 306-7; provincial data: Annual Budget Statements of the Provincial Governments, as cited in Federal Bureau of Statistics, *Pakistan Statistical Year Book 2000* (Islamabad: Government of Pakistan, Federal Bureau of Statistics, Statistics Division, April 2000) Table 11.6, 316-317. In their book on child rights in Pakistan, Jillani and Jillani observe that the budget for education is both inadequate and misused, so that Pakistan compares poorly to other countries in the region and spends a disproportionate amount of its education funding on higher education at the expense of primary schooling. Anees Jillani and Zarina Jillani, *Child Rights in Pakistan* (Islamabad: Society for the Protection of the Rights of the Child/Friedrich-Naumann-Stiftung, January 2000), 128-29.

[1344] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box, and Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

PANAMA

1. Child Labor in Panama

In 1998, the International Labor Organization (ILO) estimated that 2.9 percent of children between the ages of 10 and 14 in Panama were working.[1345] In 1994, the Government of Panama reported that 4.5 percent (12,603) of children between the ages of 10 and 14, and 9 percent (47,692) of children between the ages of 10 and 17 were economically active.[1346]

More than 60 percent of children who work in Panama are employed in the agricultural sector.[1347] Agricultural work by children, especially among the indigenous population, is sometimes dismissed as traditional and part of local culture.[1348] Children working in agriculture is particularly common during harvesting periods for crops like sugar cane, coffee, and tomatoes.[1349] On plantations, farm workers are paid according to the amount they harvest, which encourages parents to bring their children with them to the fields to increase their overall output. In many rural communities, the lack of day-care possibilities result in entire families participating in the harvest. Many children are also involved in subsistence farming[1350] or work alongside their families on fields owned by independent producers where there is less scrutiny of child labor.[1351]

Children in Panama also work as domestic servants and in the urban informal sector. Sixty-nine percent (5,896) of economically active girls between the ages of 10 and 17 are employed in domestic work.[1352] A Ministry of Women, Youth, Family, and Childhood survey found some 50,000 children and adolescents working on the streets of Panama's towns and cities.[1353] Juvenile delinquency rates among these children working tend to be high. A 1998 study of Panama's juvenile detention centers found that the vast majority of detainees had been working as street vendors, car washers, and supermarket packers when they were arrested for delinquency. Children also perform personal errands for staff and customers, which sometimes leads to participation in criminal activities.[1354]

[1345] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[1346] *Condición del trabajo infantil y juvenil en los cañaverales de las Provincias Coclé y Veraguas* (Panama City: Comisión de los Asuntos de la Mujer, Derechos del Nino, La Juventud y la Familia, 2000), 14 [hereinafter *Condición del trabajo infantil y juvenil*].

[1347] *Condición del trabajo infantil y juvenil* at 16.

[1348] U.S. Embassy-Panama, unclassified telegram no. 001934, May 18, 2000 [hereinafter unclassified telegram 001934].

[1349] *Country Reports 2000—Panama* at Section 6d.

[1350] Ibid. at Section 6d.

[1351] Independent producers sell their products to the bigger plantations or producers. Prominent government officials have called children working as sugar cane cutters a "cultural phenomenon." Unclassified telegram no. 001934. See Also *Condición del trabajo infantil y juvenil* at 14.

[1352] Ibid.

[1353] "Programas y proyectos contra el trabajo infantil" (Panama City: Ministerio de la Juventud, la Mujer, la Niñez y la Familia, 2000), 2 [hereinafter "Programas y proyectos contra el trabajo infantil"].

[1354] Unclassified telegram 001934.

Commercial sexual exploitation has become a growing problem in Panama.[1355] While prostitution is legal in Panama, child prostitution and child pornography are not.[1356]

2. Children's Participation in School

Primary school attendance rates are unavailable for Panama. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1357] In 1996, the gross primary enrollment rate was 105.5 percent, and the net primary enrollment rate was 89.8 percent.[1358] Ten percent (35,819) of primary school age children were not enrolled in school in 1997.[1359] Nationwide, 78 percent of children reached the fifth grade; in remote provinces, only 51 percent did so.[1360] A Panamanian government study estimated that 80 percent of working children between the ages of 10 and 14 drop out of school.[1361]

Matriculation fees and indirect costs such as uniforms, books, and school supplies, make schooling inaccessible for poor families.[1362] Lack of transportation and other barriers to access make school attendance less likely in remote and rural areas, where over 80 percent of school age children do not attend school during the harvesting season.[1363] Language can represent an additional barrier to pursuing an education for children of the indigenous population, who often do not speak Spanish as their first language.[1364]

3. Child Labor Law and Enforcement

The Constitution of Panama (Article 66), the Labor Code (Article 117), and the Family Code (Articles 510-13) establish parameters for employing children between the ages of 14 and

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[1355] *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Panama. E/C.12/1/ Add.64* (Geneva: United Nations Committee on Economic, Social, and Cultural Rights 2001). A recent report on a Spanish television channel highlighted a network of child prostitution that operates in the capital. According to local authorities, this report will serve as a basis for a police investigation. The report also indicated that the network included prominent political figures among its clients. "Autoridades investigaran prostitucion infantil en Panama," CNN en Espanol, June 21, 2000 (www.cnnespanol.com/2000/ latin/PAN/06/21/panama/index.html).

[1356] U.S. Embassy-Panama, unclassified telegram no. 3133, August 11, 2000, [hereinafter unclassified telegram 3133].

[1357] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1358] *World Development Indicators 2000*.

[1359] Ibid.

[1360] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Panama (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Panama*]. According to the same source, 90 percent of school-aged children defined as poor in 1997 were in primary school, 91 percent of these Panamanian children were from among the urban poor, 91 percent rural poor, and 83 percent children of indigenous origin. In 1997, 37 percent of school-aged poor children were in secondary school, and 16 percent of these children were of indigenous origin.

[1361] "Programas y proyectos contra el trabajo infantil" at 2.

[1362] *Education for All: Year 2000 Assessment—Panama*.

[1363] "Programas y proyectos contra el trabajo infantil" at 8.

[1364] Interview with Robert Siberski, U.S. Embassy-Panama, by U.S. Department of Labor official, October 25, 2000.

18.[1365] Article 117 of the Labor Code prohibits the employment of minors younger than 14 years of age, as well as those younger than 15 who have not completed primary school.[1366] Article 716 of the Family Code, however, permits minors between the ages of 12 and 14 to perform farm or domestic labor as long as the work is light and does not interfere with schooling.[1367]

According to Article 118 of the Labor Code, minors under the age of 18 are prohibited from working in nightclubs, bars, or other places where the consumption of alcoholic beverages is allowed, as well as in other sectors such as transportation and energy, underground work, and the handling of explosives and flammables.[1368] 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 adult supervision.[1369] Children younger than 16 may work no more than six hours a day, and children under 18 may work no more than seven hours a day. Furthermore, minors under the age of 18 may not do night work.[1370]

Prostitution is legal in Panama. However, Article 501 of the Family Code and Article 215C of the Penal Code criminalize child prostitution and child pornography for minors.[1371] According to Article 226 of the Penal Code, facilitating the seduction of a minor or engaging in or witnessing a lewd act is punishable by two to four years imprisonment, and this penalty can be increased if profit, deceit or other circumstances compound the gravity of the crime, or if the victim is under the age of 12. Facilitating the prostitution of a female under 12 or a male under 14 is punishable by imprisonment for three to five years.[1372]

The judicial authorities charged with overseeing the protection and care of minors are the Superior Tribunal for Minors and the Superior Tribunal for Families. The Ministry of Youth, Women, Children and Family Affairs investigates cases of abuse against children, proposes and reviews laws, and monitors government performance in regard to children's issues. The Ministry of Labor also enforces child labor provisions by responding to complaints and has the authority to order the termination of unauthorized employment.[1373]

The Government of Panama is unable to enforce child labor provisions in rural areas and in many informal sector industries, particularly isolated border areas, due to insufficient staff.[1374] Child labor on coffee and banana plantations near Panama's border with Costa Rica often receives little attention.[1375]

[1365] *Condición del trabajo infantil y juvenil* at 38. Article 489 of the Family Code establishes protection from exploitative labor and labor that would endanger the physical, mental, or moral health of minors or impede a child's access to education as a fundamental right of Panama's children.

[1366] Ibid. at 36.

[1367] Ibid.

[1368] Government of Panama, Labor Code, Employment of Minors, Article 118, Sections 1-6.

[1369] *Condición del trabajo infantil y juvenil* at 36.

[1370] Ibid. at 41.

[1371] Unclassified telegram 3133.

[1372] Laura J. Lederer, "Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Panama" (Washington, D.C.: The Protection Project, January 2001), 2.

[1373] *Country Reports 2000—Panama* at Sections 5, 6d.

[1374] Ibid. at Section 5.

[1375] Unclassified telegram 001934.

On October 31, 2000, the Government of Panama ratified International Labor Organization (ILO) Convention No. 138 on the Minimum Work Age and ILO Convention No. 182 on the Worst Forms of Child Labor.[1376] Panama has also ratified the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on the Rights of the Child on the Involvement of Children in Armed Conflict.[1377]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Government of Panama and ILO's International Program on the Elimination of Child Labor (ILO-IPEC) signed a Memorandum of Understanding in 1996. The Ministry of Women, Youth, Family, and Childhood has taken the lead in designing and implementing projects responding to child labor. The Ministry has proposed Training and Assistance Centers for children living in urban areas such as Panama City and Colón, and for those living in the rural areas including Chiriquí, Veraguas, and Coclé.[1378]

The Committee for the Eradication of Child Labor, established by executive decree in July 1999 was retained by the administration elected in 2000 and operates under the guidance of the First Lady's Office. The Panamanian Government is receiving technical assistance from ILO-IPEC in organizing the committee. The government sent teams into the coffee fields to investigate the child labor, and ILO-IPEC, with funding from the U.S. Department of Labor (USDOL), is supporting baseline surveys in the sugar cane and coffee sectors of Panama.[1379]

A National Child Labor Survey, which is also being funded by USDOL, is being conducted in Panama as part of ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC).[1380]

b. Educational Alternatives

In Panama, education is compulsory through the ninth grade, and between the ages of 6 and 15.[1381] As a member of the Education for All initiative, the Government of Panama has been

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[1376] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1377] For a full list of countries that have ratified Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, *see* (www.unicef.org/crc/opsx-tableweb.htm). For a full list of countries that have ratified Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, *see* (www.unicef.org/crc/opcac-tableweb.htm).

[1378] "Programas y proyectos contra el trabajo infantil" at 10-19.

[1379] IPEC, *Preparation and Design of IPEC Project Documents: USDOL Budget FY 2001*, project document (Geneva: ILO-IPEC, January 2001).

[1380] IPEC, *Statistical Information and Monitoring Program on Child Labor in Central America*, project document (Geneva: ILO-IPEC, 1999).

[1381] *Country Reports 2000—Panama* at Section 5. See Also *Education for All: Year 2000 Assessment—Panama.*

focusing on improving the quality and accessibility of primary education. The government is in the process of developing a new curriculum for basic education and conducting evaluations of a series of basic education pilot programs to determine what strategies to adopt for the national education programs.[1382] The government is also working to increase access to education for the poor, particularly in rural areas and within the indigenous population.[1383]

The World Bank has approved a US$35 million loan to improve the quality of basic education in Panama. The funds will be used to upgrade, expand and rehabilitate run-down or inadequate school buildings to accommodate a growing number of students in primary and secondary school. They are expected to benefit about 60 percent of Panama's children attending primary and secondary school, primarily children living in remote and poor areas.[1384]

Government spending on education in 1996 amounted to 5.3 percent of gross national product (GNP), and accounted for approximately 21 percent of all government spending.[1385]

[1382] *Education for All: Year 2000 Assessment—Panama.*

[1383] Ibid.

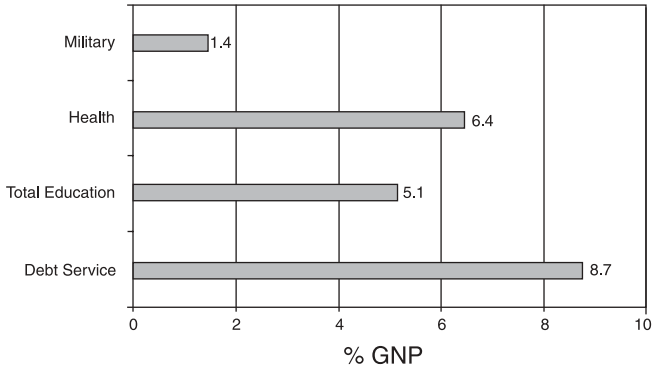
[1384] "World Bank Supports Better Education for Panama's Rural and Indigenous Children," press release no. 2000/054/LAC, Washington, D.C., September 8, 2000.

[1385] UNESCO, *World Education Report 2000: The Right to Education—Towards Education for All throughout Life*, June 27, 2000 (www.unesco.org/education/highlights/wer/wholewer.pdf).

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1386]

Selected Government Expenditures as a Percentage of Panama's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1386] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

PERU

1. Child Labor in Peru

In 1999, the International Labor Organization (ILO) estimated that 5.5 percent (100,634) of children between the ages of 10 and 14 in Peru were working.[1387] Slightly less than half of these working children were boys (46,921), while girls accounted for just more than half of working children in this age group (53,712).[1388] In 1999, approximately 44 percent (804,700) of children between the ages of 15 and 19 were economically active.[1389]

Some children and adolescents work either in formally established enterprises or as unpaid workers at home.[1390] The majority of working children are active in the country's informal economy, which accounts for nearly 50 percent of the country's economic output.[1391] The informal sector escapes government oversight of wages and working conditions, and government supervision of children and adolescents in this sector is scarce to nonexistent.[1392]

In 1995, the National Home Survey of the National Institute of Statistics (INEI) indicated that 55 percent of all working minors between the ages of 6 and 17 lived in rural areas.[1393] Child laborers work long hours in the agricultural sector. Others work in fireworks factories and stone quarries. Children also load and unload produce in markets, and collect garbage to earn a living.[1394]

Child labor is prevalent in the brick-making sector of Huachipa. Working children in this sector help their parents to meet daily quotas starting as early as 3 years old. Children carry heavy loads of brick or sand throughout the day. These loads are extremely heavy, and as a result, many children suffer from spinal and bone deformities. Moreover, malnutrition, constant contact with mud and sand as part of their work, and lack of access to potable water leads to many of these children suffering from skin infections, digestive illnesses, and respiratory and hearing problems.[1395]

In the small-scale traditional gold-mining sector, young children are commonly found participating in mining activities and performing all aspects of the work to help boost the

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[1387] *Yearbook of Labour Statistics* (Geneva: ILO, 2000), Table 1A.

[1388] Ibid.

[1389] Ibid.

[1390] *U.S. Department of State Human Rights Report for 1999,* Section 6d (www.state.gov/www/global/uman_rights/ 1999_hrp_report) [hereinafter *Human Rights Report*].

[1391] U.S. Embassy-Lima, unclassified telegram no. 003672, June 22, 2000.

[1392] *Human Rights Report* at Section 6d (www.state.gov/www/global/human_rights/ 1999_hrp_report).

[1393] *Asociacion Pro-Derechos Humanos, Trabajo Infantil en Debate: Entrevistas de Cecilia Alvarez,* 1999, 1, at http://ekeko.rcp.net.pe/aprodeh/public/iadesc98/desc9806.htm.

[1394] *Country Reports on Human Rights Practices for 1999* (www.state.gov/www/global/uman_rights/ 1999_hrp_report), Section 6d [hereinafter *Country Reports 1999—Peru*].

[1395] AIDECA Peru, *Eliminating Child Labor in the Brickworks of Huachipa, Peru: Changing the Economic Equation* [document on file].

family's income. Children also work inside the mines. They carry heavy loads of ore, often on their backs. They crush and manually grind ore. They also participate in amalgamating the ore with mercury, a process that exposes them to hazardous fumes.[1396]

Children are involved in prostitution in both Lima and in Peru's provinces.[1397] Hotel administrators, discos, massage parlors, gyms and employment offices are reportedly involved in organizing adolescent prostitution.[1398] A 1999 study revealed that trafficking of girls and boys for the purpose of commercial sexual exploitation occurs in Peru. Minors are taken from rural areas of the country, promised jobs and the opportunity to earn dollars, and travel to see new places. Instead, they are brought by pimps to secret bordellos and to the streets of Lima to work as prostitutes.[1399]

2. Children's Participation in School

In 1996, the gross primary attendance rate was 114.3 percent, and the net primary attendance rate was 88.3 percent.[1400] For that same year, the gross primary enrollment rate was 123.2 percent, and the net primary enrollment rate was 93 percent.[1401] Between 1993 and 1997, net primary enrollment increased from 87.2 to 93.8 percent.[1402] For girls, this rate increased from 85.9 percent in 1993 to 93.3 in 1997, while for boys, the rate increased from 88.4 percent in 1993 to 94.2 in 1997.[1403] Gross primary enrollment also increased over the same time period, from 117.7 percent in 1993 to 122.8 percent in 1997.[1404] The population of unenrolled children of primary school age decreased from 426,630 (12.8 percent of primary-age children) in 1993 to 211,630 (6.2 percent) in 1997.[1405] In 1993, approximately 231,000 unenrolled primary-age children were female (14.1 percent of the total primary-age female population) and 196,000 were male (11.6 percent of the total primary-age male population). The numbers dropped in 1997 to approximately 112,000 unenrolled primary-age females (6.7 percent of the total primary-age female population) and approximately 100,000 unenrolled primary-age males (5.8 percent of the total primary-age male population).[1406]

Although Peru has been working toward achieving universal access to education, the UN Committee on the Rights of the Child reported that indigenous children and those from

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[1396] ILO-IPEC, *Children Working in Small-Scale Traditional Gold Mining in Peru: National Baseline Study for the Project for Prevention and Progressive Elimination of Child Labor in Small-Scale Traditional Gold Mining in South America*, Maria del Carmen Piazza, March 2001, 80-83.

[1397] Accion por los iños: Save the Children, "Campana contra la prostitucion infantile: !La vida y la dignidad ni tienen precio ni se alquilan!" April 2000 (www.accionporlosninos.org.pe/foro/pagina.htm).

[1398] Ibid.

[1399] Ibid.

[1400] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1401] *World Development Indicators 2000.*

[1402] Ibid.

[1403] Ibid.

[1404] Ibid.

[1405] Ibid.

rural areas lack universal access to the education system.[1407] School attendance is poorest in rural and jungle areas, and girls benefit less than boys.[1408]

3. Child Labor Law and Enforcement

The Child and Adolescent Code stipulates that the legal minimum age for work is 12 years. Legislation passed in August 2000, however, changed the legal minimum age for employment in Peru to 14 years.[1409] Children between the ages of 12 and 14 may work if they obtain special permission from the Ministry of Labor and certify that they are attending school.[1410] As of August 2001, 2,228 special permission requests had been approved for 2001.[1411]

In more hazardous industrial, commercial or mining sectors, Peru's legal minimum age is 15; while in the fishing sector, the legal minimum age is 16.[1412] Work that might harm a child's physical and emotional health, including underground work or work that involves heavy lifting and carrying, is prohibited.[1413]

There are statutory limits to the number of hours that children may work. Children between 12 and 14 can only legally work four hours a day, or up to 24 hours a week. Adolescents between 15 and 17 years may work a maximum of six hour days, or not more than 36 hours a week.[1414] Working adolescents are required to obtain authorization from the Ministry of Labor if they are performing unpaid family work, however, the head of the household for which they work must register them in the municipal labor records.[1415]

[1406] Ibid.

[1407] International Confederation of Trade Unions (ICFTU) website, *Internationally Recognized Core Labour Standards in Peru: ICFTU Report for the WTO General Council Review of the Trade Policies of Peru,* Geneva, May 30-31, 2000 (www.icftu.org), 3.

[1408] U.S. Department of State, *Human Rights Report for 1999* (www.state.gov/www/global/human_rights/1999_hrp_report), Section 5.

[1409] U.S. Embassy-Lima, unclassified telegram no. 005240, September 21, 2001 [hereinafter unclassified telegram 005240].

[1410] Unclassified telegram 005240.

[1411] Ibid.

[1412] Ministerio de Trabajo y Promoción Social, *Resolución Ministerial No. 033-2000-TR. 9: Requisitos y formalidades para la contratacion laboral de adolescente: Edades minimas para el trabajo* (www.mtps.gob.pe/normas/033-2000-tr.htm).

[1413] Ministerio de Trabajo y Promoción Social, *Resolución Ministerial No. 033-2000-TR. 9: Requisitos y formalidades para la contratacion laboral de adolescente: Trabajos prohibidos y facilidades y beneficios* (www.mtps.gov.pe/normas/033-2000-tr.htm).

[1414] Ministerio de Trabajo y Promoción Social, *Síntesis Legal: 7.1.3. jornadas especiales de trabajo adolescentes* (www.mtps.gob.pe/sintesis.htm).

[1415] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. Capitulo IV. *Regimen Para el Adolescente Trabajador.* Articulo 50 (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1416] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Libro Primero: Derechos y Libertade: Derechos Civiles.* Capitulo I, Articulo IV (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

Prostitution is legal in Peru, but laws prohibit individuals from profiting by prostituting others. Prostitution or pornography involving children is illegal.[1416] 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.[1417]

Peru's Child and Adolescent Code of August 2000 prescribes the framework for child and adolescent labor practices.[1418] The code protects the rights of children and adolescents from extreme forms of child labor, such as forced and bonded labor, economically exploitative labor, prostitution and trafficking.[1419] According to the Child and Adolescent Code, working children must be paid at the same rate as adult workers.[1420] In practice, government standards are often violated and are rarely enforced in the informal sector, where many child workers are found.[1421] The Ministry of Labor has a total of 150 labor inspectors, and inspections are primarily conducted in the formal sector.[1422]

In August 2000, the Peruvian Congress passed legislation to create a new office within the Ministry of Women's Advancement and Human Development (PROMUDEH). This office, the Directorate of Children and Adolescent Affairs, is charged with protecting the rights of children and adolescents.[1423] Also responsible for protecting children are the Municipal Child and Adolescent Defender Centers (DEMUNAs), which report to PROMUDEH. Together with local governments, DEMUNAs supervise and apply sanctions in their jurisdiction when the rights of children and adolescents are threatened or violated.[1424] The Public Ministry, by way of the Special Prosecutor and the Prosecutor of Crime Prevention, supervises the enforcement of the Child and Adolescent Code.[1425] A special group of national police personnel are trained in specific regulations and laws related to the education, prevention and protection of children. This group coordinates with PROMUDEH and other related organizations.[1426] In December of 1998, legislation was enacted that stipulated that settlements adjudicated by the prosecutor's

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[1417] *Country Reports 1999—Peru* (www.state.gov/www/global/uman_rights/ 1999_hrp_report) at Section 6f [hereinafter *Country Reports 1999—Peru*].

[1418] *Country Reports 1999 – Peru*, Section 6d.

[1419] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Libro Primero: Derechos y Libertades: Derechos Civiles*, Capitulo I, Articulo IV (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1420] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Regimen Para el Adolescent Trabajador*, Capitulo IV, Artículo 59 (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1421] *Country Reports 1999—Peru* at Section 6d.

[1422] Unclassified telegram 005240.

[1423] Ibid.

[1424] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Contravenciones y Sanciones. Libro Segundo.* Capitulo V, Articulo 70 (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1425] Ibid. at Articulo 71.

[1426] Comision Andina de los Juristas. Red de información Judicial Andina. Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes. *Libro Cuarto. Capitulo IV. Organos Auxiliares. Seccion II. Policia Especializada*, Capitulo IV (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

office of the Public Ministry are legally binding and equal in standing to decisions made by a court of law.[1427]

The Government of Peru ratified International Labor Organization Convention (ILO) No. 182 on the Worst Forms of Child Labor on January 10, 2002.[1428]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In July 1996, the Government of Peru signed a Memorandum of Understanding with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC).[1429] ILO-IPEC's presence has increased awareness within Peruvian society of the hazards of harmful child labor.[1430] ILO-IPEC programs in Peru include a regional program, funded by the U.S. Department of Labor (USDOL), designed to eliminate child labor in the small-scale, traditional mining sectors of Bolivia, Ecuador and Peru. Another regional ILO-IPEC program funded by USDOL aims to eliminate child domestic work in Brazil, Paraguay, Colombia and Peru.[1431]

In 1997, Peru put in place a National Plan of Action for Children and Adolescents. This plan aims to promote and ensure the complete application of children's rights.[1432] In August 1997, PROMUDEH created the National Steering Committee on the Eradication of Child and Adolescent Labor to carry out the strategies and goals stated in the National Plan.[1433]

Peru is home to many networks of nongovernmental organizations (NGOs), civil society groups, community members, workers organizations, employers organizations and government agencies. The National Initiative on the Rights of the Child (GIN), the largest network/NGO of its kind in Peru, coordinates the efforts of 27 different groups that address children's issues.[1434] The Network for a Future without Child Labor, made up of seven NGOs, is another network that develops projects to eradicate child labor.[1435] The Global March Against Child Labor and its local NGO affiliates have begun reaching out to children, parents, working children and

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[1427] *Country Reports 1999—Peru* at Section 5.

[1428] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1429] ILO-IPEC Countries at http://www.ilo.org/public/english/standards/ipec/about/countries/t-country.htm.

[1430] Interview with Eliseo Cuadrao, director of IPEC, South America regional office, by U.S. Department of Labor official (November 13, 2000) [hereinafter Cuadrao interview].

[1431] ILO-IPEC project document, *Prevention and Elimination of Child Domestic Labour in South America: Program to Prevent and Progressively Eliminate Child Labor in Small-Scale Traditional Gold Mining in South America* (Geneva: ILO-IPEC) [document on file].

[1432] Comision Interamericana de Derechos Humanos, *Derechos del Nino*, Capitulo VIII, OAS (www.cidh. org/ countryrep/Peru2000sp/capituulo8.htm).

[1433] U.S Embassy-Lima, unclassified telegram no. 003383, June 3, 1999.

[1434] *Country Reports 1999—Peru* at Section 5.

[1435] Cuadrao interview.

communities to raise awareness on the importance of education. Provincial networks are being formed as well.[1436] PROMUDEH, in coordination with the Labor Ministry and in consultation with labor unions and employers' groups, periodically establishes a list of jobs and activities that are dangerous to the physical or moral health of adolescents.[1437]

The *Instituto Nacional de Bienestar Familiar* (INABIF) has developed a program for working children and adolescents called the Boys, Girls and Adolescent Street Workers program which offers services including school support, housing, reinsertion into the government school system, reinsertion into the family, and vocational training.[1438] From April to June 2001, the program provided services to approximately 7,000 children and adolescents a month in 17 cities.[1439]

Innovative methods have been used by NGOs to address child labor in Peru. For example, the NGO AIDECA has developed introduced affordable technologies in the brick making industry of Huachipa to help eliminate the need for child labor, while at the same time, increasing productivity.[1440]

In 2000, Peru began a child labor survey with support from the ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC). The Ministry of Labor, the INEI, and PROMUDEH have participated in preliminary aspects of the survey.[1441]

b. Educational Alternatives

According to Peru's constitution, basic education is free and compulsory through secondary school.[1442] In 2001, basic education consisted of two years at the pre-primary level, six years at the primary level, and four years at the secondary level.[1443] Children and adolescents

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[1436] Ibid.

[1437] Comision Andina de los Juristas, Red de información Judicial Andina, Ley No. 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, Art. 58, (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1438] Instituto Nacional de Bienestar Familiar, INABIF, *Nuestros Servicios* (www.inabif.gov.pe/servicio/servicio2.htm); cited October 16, 2001.

[1439] Instituto Nacional de Bienestar Familiar. INABIF, Oficina de Planeamiento y Desarrollo. Area de Estadistica, *INABIF en Cifras I y II Trimestres 2001*, Boletin I y II Trimestres, 2001.

[1440] AIDECA Peru, Programa para la Erradicacion Progresiva del Trabajo Infantil en las Ladrilleras de Nieveria. [document on file].

[1441] Cuadrao interview.

[1442] Constitucion de la Republica de Peru, Capitulo II, Articulo 17 (www.cajpe.org.pe/RIJ/bases/legisla/peru/consper.htm#3); cited October 16, 2001.

[1443] As part of the Education for All initiative in 1999, Peru began to experiment by uniting the secondary level with the primary level to form a basic education requirement of 10 years. The reform will add an additional year of pre-primary to the basic education requirement until it reaches 13 years in 2002. Children will be required to start school at the age of 3. At the beginning of the 1990s, basic education was only required for a six-year period. *See* United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Peru (Paris, 2000). *Peru: Informe: Primera Parte: Seccion Descriptiva* (www2.unesco.org/wef/countryreports/peru/rapport_1.html) [hereinafter *Education for All: Year 2000 Assessment—Peru*], 10.

have the right to education, and the state guarantees education, free of charge, for those in economic need.[1444]

Peru's Child and Adolescent Code guarantees special school schedules that allow children and adolescents who work to attend school classes regularly. The school directors are responsible for checking to make sure that work does not affect school attendance and performance. They are also responsible for periodically informing the proper authority about the performance levels of the student-workers. The code calls for the state to promote the use of resources and physical spaces for the development of cultural, sport, and recreational programs for children and adolescents.[1445]

Within the framework of the United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s Education for All initiative, Peru has committed resources throughout the 1990s aimed at educational reform. The goals of this effort included: universal access to basic education; reduction of illiteracy and gender disparity; and making curricula more relevant to children.[1446]

The Education Ministry seeks to address child labor through a project that provides children with alternatives to working in the streets.[1447] Radda Barnen (Save the Children) is implementing the Ministry's Work, Education and Health Program (TES), the goal of which is to reinforce the curriculum in five regional departments to make school lessons more pertinent to the lives of working children. This program has also incorporated an informal tracking system of teacher reporting to determine where children work, the kind of work they do, and how it affects their well being.[1448]

The Ministry of Education also sponsors the Integrated Protection Program, which is designed to promote good school performance and prevent the early insertion of children into the work force. It is a multi-sectoral program which provides nutritious meals to children age 6 and younger and involves parents and the greater community.[1449] The Ministry of Education has also designed the "Basic Education Program for All" to improve the quality and infrastructure of education in rural, marginal urban, and border areas of the country with an intensive teacher

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[1444] Comision Andina de los Juristas. Red de información Judicial Andina, Ley no 272337-Ley que Aprueba el Nuevo Código de los Niños y Adolescentes, *Derechos Economicos, Sociales y Cuturales y Sociales,* Capitulo II, Articulo 14 (www.cajpe.org.pe/rij/bases/legisla/peru/ley1.html).

[1445] Comision Andina de los Juristas, Red de información Judicial Andina "Codigo de los Ninos y Adolescentes," (www.cajpe.org.pe/rij/bases/legisla/ peru/ley1.html).

[1446] *Education for All: Year 200 Assessment—Peru.*

[1447] Ministerio de Educacion. Todos los Proyectos del MED por Oficina. Oficina de Prevencion Integral. *El Programa de Asistencia al Menor con Ocupacion Temprana* (www.minedu.gob.pe/proyectos/ dir.php?obj=proyectos.htm).

[1448] Interview with Dra. Ballardo, employee from the Ministry of Education, Lima, Peru, by U.S. Department of Labor official, November 15, 2000.

[1449] Ibid.

training program and free distribution of educational materials at the pre-primary, primary and secondary levels.[1450] Plan Huascaran (2000-2004) is another Ministry of Education program that looks to achieve equality of access to education in the rural and border zones of extreme poverty.[1451]

Peru's Ministry of Health has created a School Insurance program. This program is a child and adolescent health initiative that was developed to decrease school desertion numbers by encouraging the continuity of education. In exchange for proof from teachers that students are continuously attending classes, children and adolescents between the ages of 3 and 17 can receive universal medical coverage. At the start of the program in 1997, two to three million children were treated.[1452] The numbers quadrupled in 1998-99 as the program became more widely publicized. Coverage under the program includes transportation, lab work, diagnostics, prescription medicine and surgery costs.[1453] Although expensive for the state, the program has been made a priority. School Insurance has proved to be a strong incentive for parents to keep their children in school.[1454]

Labor unions have also begun to participate in the fight against child labor. El Sindicato Unico de Trabajadores Educadores Peruanos (SUTEP), a union of school teachers, has developed programs to raise awareness on child labor issues. The General Confederation of Peruvian Workers (CGTP), consisting of 1300 affiliates, has launched a national awareness-raising campaign on child workers and has made an effort to encourage unions to incorporate the child labor issue into their agendas. CONFIEP, a network of 24 employers organizations, has made efforts to raise awareness amongst employers on the worst forms of child labor.[1455]

Other initiatives are also being undertaken at the local level. Through its Children and Adolescent Rights Program, for example, the Center for Social Studies and Publications (CESIP) promotes education and a reduction of child labor using awareness raising pamphlets and publications.[1456]

Public spending on education as a percentage of gross national product (GNP) was 3.9 percent in 1994 and 2.9 percent in 1996.[1457] In 1999, government expenditure on primary education amounted to 1.4 percent as a percentage of GNP.[1458]

[1450] Ministerio de Educacion, *Programa de Educacion Basica para Todos* (www.minedu.gob.pe/ web/ el_ministerio/el_ministero/Administr/poryect/educ_basic.html); cited October 16, 2001.

[1451] Ministerio de Educacion, Plan Juascaran: Moderna tecnologia para escuelas rurales, 1700 Colegios los Primeros Beneficiarios, 5 Mil Estaran Enlazados el 2004 (www.minedu.gov.pe/ prensa_comunica/notas/octubre-2001/ dir.php?obj=13-10-2001_02.htm).

[1452] Interview with Dr. Cecilia Costa, director, People's Health, Ministry of Health, Lima, Peru, by U.S. Department of Labor official, November 15, 2000.

[1453] Ibid.

[1454] Ibid.

[1455] Cuadrao interview.

[1456] *See* "Mas Educacion Menos Trabajo Infantil," *Centro de Estudios Sociales y Publicaciones, Programa: Derechos de niños, niñas, y adolescentes* [document on file].

[1457] *World Development Indicators 2000.*

[1458] Ibid.

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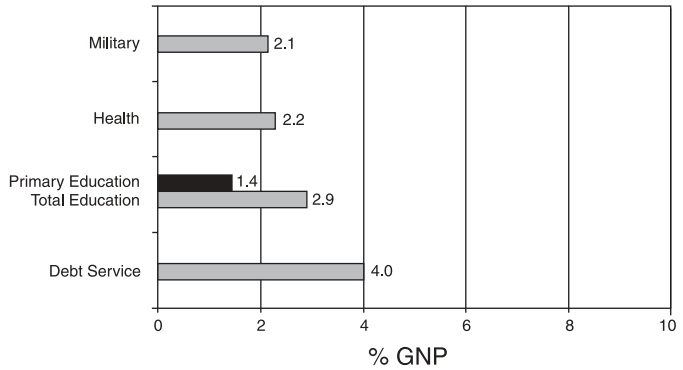

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SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1459] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

PHILIPPINES

1. Child Labor in the Philippines

In 1998, the International Labor Organization (ILO) estimated that 6.5 percent of children between the ages of 10 and 14 in the Philippines were working.[1460] A 1995 study of child labor in the Philippines found that 16 percent (3.7 million) of children between the ages of 5 and 17 work, and that approximately 10 percent (2.2 million) of children in this age group work under hazardous conditions. Results from the survey indicated that boys (1.2 million) in the 5 to 14 year age group were almost twice as likely to work as girls (0.7 million) in the same age group. Children who are working are more prevalent in rural areas, where 1.3 million children aged 5 to 14 worked, in contrast to 0.6 million in urban areas.[1461] With funding from the U.S. Department of Labor in 2001 and technical assistance from the ILO's International Program on the Elimination of Child Labor (ILO-IPEC), the Philippine National Statistics Office (NSO) will be conducting another child labor survey and updating figures from 1995 on the number of working children in the Philippines.[1462]

Children in the Philippines work in a variety of sectors and occupations, often under hazardous conditions. Approximately one-half of all working children in the Philippines work in agriculture,[1463] many on pineapple, banana, rubber and sugar plantations.[1464] It is estimated that more than 300,000 children under the age of 18 work as domestic servants. There are reports of bonded labor among domestic servants who may be required to work to reimburse advance money given to their parents.[1465] Other children work alongside adult family members manufacturing footwear in their homes, working without protective gear and enduring exposure

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[1460] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[1461] *Children of the Philippines* and *Working Children and Their Environment* fact sheets on the Survey of Children 5-17 Years Old, July 1995, by the National Statistics Office [fact sheets on file]. With funding from the U.S. Department of Labor (USDOL), statistics are based on data collected by the Philippine National Statistics Office in 1995, in collaboration with the Philippine Department of Labor and Employment and ILO-IPEC's National Survey on Working Children. According to the survey, about 1.9 million children from 5 to 14 years old work (11 percent of the child population in this age group). The East Asian Crisis or the Asian Financial Crisis may have increased the labor participation rates of children in the Philippines. *See* Joseph Y. Lim, *The East Asian Crisis and Child Labor in the Philippines*, ILO-IPEC Working Paper 2000 (www.ilo.org/public/english/standards/ipec/publ/policy/papers/philippines/indexpr.html). Among the factors contributing to the incidence of child labor in the Philippines are poverty (particularly the need to contribute income to the family), traditions and cultural practices, and the need to work to cover school expenses. *Adolescents in the Labor Force*, Monograph Series No. 3 (Manila: Institute for Labor Studies, March 1996), 10-16.

[1462] Programme Document for the U.S. Department of Labor, July 2001. Statistical Information Monitoring Programme on Child Labour (SIMPOC): Survey of Working Children, Philippines. International Labor Organization, International Child Labor Program on the Elimination of Child Labor.

[1463] *Report on National Survey of Working Children in the Philippines* (Manila: ILO, 1998), 17.

[1464] Interview with Alejandro Apit of Kamalayan Development Foundation by U.S. Department of Labor official in Manila, April 6, 2000. *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), 6d [hereinafter *Country Reports 1999—Philippines*].

[1465] Ibid. at Section 6c. *See also* Trip notes by U.S. Department of Labor official, testimony given during Visayan Forum Conference on Domestic Servitude in Davao, April 7, 2000.

to dangerous glue and kerosene fumes.[1466] Children work in quarries cutting and breaking stones, blasting rocks, and loading stones onto trucks and in small-scale gold mines.[1467] Children haul cargo from the docks of ports in Mindanao and the Visayas, exposed to harmful dust and chemicals,[1468] and work on pearl farms, diving into the sea to collect shells.[1469] An estimated 7 percent of Filipino working children from 5 to 15 years of age work in the deep-sea fishing sector.[1470] Various studies indicate that there are around 1.5 million children nationwide, with at least 100,000 in Manila, who live on the streets, where they may scavenge, beg, or perform other tasks to survive.[1471]

Children as young as 13 are conscripted to serve as soldiers in armed opposition groups.[1472] The Communist New People's Army (NPA) reportedly recruits children for use in both combat and non-combat situations. The Muslim insurgent group, the Moro Islamic Liberation Front (MILF), also reportedly recruits young children to serve in its reserves.[1473]

Some 60,000 children are involved in the commercial sex industry. Many children are reportedly trafficked within the Philippines and to other countries and forced into prostitution. Children are trafficked from the Philippines in some cases through false adoptions for the purpose of exploitation, including commercial sexual exploitation.[1474]

2. Children's Participation in School

Statistics on education in the Philippines indicate improvements over the past decade. Between 1993 and 1998, net primary attendance increased from 84.9 percent to 90.8 percent,[1475] and net primary school enrollment rose from 84.6 percent in 1990 to 95.7 percent in 1998.[1476]

[1466] One explanation given for why children do not use protective gloves when spreading glue to make shoes is that glue would stick to the gloves, wasting costly supplies for their families. Interview by U.S. Department of Labor official with children in Biñan during site visit to IPEC footwear project in the Philippines, April 5, 2000.

[1467] Juan Escandor, Jr., "Child Labor Extensive in Gold Rush Site," *Philippine Daily Inquirer*, July 6, 2000.

[1468] Notes for site visit to Sasa Port, Davao, by U.S. Department of Labor official, April 7, 2000; see also *Country Reports 1999—Philippines*.

[1469] Alejandro W. Apit, *Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF's Experience* (Metro Manila: Kamalayan Development Foundation, Inc., January 1998), 145-46.

[1470] *Collection and Dissemination of Data on Child Labour in Asia*, Table 11, 147.

[1471] For more information on street children in the Philippines, including stories from 25 children, *see* Cornelio G. Banaag, Jr., *Resiliency: Stories Found in Philippine Streets* (Manila: AusAID, the National Project on Street Children, and UNICEF, 1997). Reports indicate that these numbers are increasing due to high rural unemployment. *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, February 2001), Section 5 [hereinafter *Country Reports 2000—Philippines*].

[1472] Child Soldiers Global Report 2001 (www.child-soldiers.org/report2001/countries/philippines.html) [hereinafter *Child Soldiers Global Report 2001]*.

[1473] *Country Reports 1999—Philippines* at 1264. See Also *Child Soldiers Global Report 2001*.

[1474] Ibid. *See also* "Philippine Country Paper and National Plan of Action to Combat Trafficking in Women and Children" (submission of the Government of the Philippines for the March 29-31, 2000, meeting of the Asian Regional Initiative Against Trafficking in Women and Children (ARIAT)) 2, 3, 16 [document on file].

[1475] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1476] *Philippines: Education for All (EFA) 2000, Philippine Assessment Report* (Manila: National Committee on Education for All and the Republic of the Philippines, October 1999), 51-52 [hereinafter *Philippines: Education for All*].

Nationwide, approximately 65 percent of children completed the sixth grade in 1997, an improvement from 62.7 percent in 1990. However, when disaggregated by region, this increase can be attributed to increasing rates in urban areas among both males and females; in rural areas, there was a decrease of almost 14 percent, from 73.8 percent in 1990 to 60.6 percent in 1996.[1477] In general, repetition rates are high for both boys and girls in rural areas. However, the repetition rate for boys is higher than that of girls in both rural and urban areas.[1478]

Still, for many working children in the Philippines, schooling is not an option. In 1995, approximately 30 percent of working children did not attend school.[1479] Although the government covers the tuition costs of public primary and secondary schools, many poor families are unable to meet numerous peripheral costs such as uniforms, school supplies, books, and transportation. Low quality of schooling, large class sizes, insufficient numbers of teachers and inadequate facilities are also factors discouraging children from attending school.[1480]

The Asian Crisis had a negative impact on school enrollment in the Philippines, with an estimated 240,00 children between the ages of 6 and 12 out of school in 1998 as compared to less than 100,000 in 1997. The total enrollment for secondary schools also fell by an estimated 7 percent in 1998.[1481]

3. Child Labor Law and Enforcement

The Philippine Labor Code of 1993 prohibits the employment of children below the age of 15, although children under the age of 15 are permitted to work if they are under the direct supervision of a parent or guardian, and if the work does not interfere with schooling. Article 139 of the Labor Code restricts children under the age of 18 from engaging in hazardous work.[1482] The Department of Labor and Employment's (DOLE) Order No. 4 of 1999 outlines categories of hazardous work and prohibits the employment of children in these categories. The list includes work with dangerous substances (e.g., adhesives used in footwear manufacture), work hazardous to morals (e.g., employment in dance halls), work that entails exposure to extreme elements of cold, heat, noise or pressure (e.g., deep-sea diving and underground work), and work that is hazardous by its nature (e.g., mining, logging and pyrotechnics production).[1483]

[1477] Ibid at 47-48.

[1478] Ibid.

[1479] *Education of the Working Children*, fact sheet from the Survey of Children 5-17 Years Old: July 1995, by the National Statistics Office. The survey also found that more children working in rural areas attend school than those in urban areas.

[1480] Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines: A Country Report* (Manila: ILO-IPEC, December 1995), 10-14 [hereinafter *To Learn and To Earn*].

[1481] Joseph Y. Lim, *The East Asian Crisis and Child Labor in the Philippines*, ILO-IPEC Working Paper 2000 (www.ilo.org/public/english/standards/ipec/publ/policy/papers/philippines/indexpr.htm), 1-2.

[1482] Rosario del Rosario and Melinda A. Bonga, *Child Labor in the Philippines: A Review of Selected Studies and Policy Papers* (Manila: University of the Philippines, 2000), 173-75 [hereinafter *Child Labor in the Philippines*]. Under the Labor Code, the Secretary of Labor may determine the hours and times during the day when children between the ages of 15 and 18 may work.

[1483] Department Order No. 4, Series of 1999: Hazardous Work and Activities to Persons Below 18 Years of Age (Manila: Republic of the Philippines, Department of Labor and Employment, 1999).

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 from working after 10 p.m.[1484]

Penalties for violating Philippine child labor laws range from fines of 1,000 to 10,000 pesos (US$25 to US$253), imprisonment from three months to three years, or both. Businesses found to be in repeated violation of these laws may have their operating licenses revoked.[1485]

Republic Act (R.A.) No. 7610 of 1992, the Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act, stipulates penalties for the trafficking, prostitution and abuse of children. The act imposes sentences of 12 years to life on individuals who engage in or promote specific types of child exploitation such as child prostitution and the trafficking of children. A sentence of six to 12 years is rendered for various acts of exploitation, such as having children perform indecent exhibitions. R.A. No. 7658 of 1993 amended the act to set the minimum work age at 15 years except in the cases provided for by the Philippine Labor Code.[1486] The government prosecutes accused pedophiles and has made efforts to expand its law enforcement in this area.[1487]

The Department of Labor and Employment (DOLE) is primarily responsible for the enforcement of child labor laws.[1488] DOLE conducts both routine and complaint-driven inspections to follow up on allegations of child labor law violations. Violations are then reported to the court system for future action.[1489] DOLE maintains responsibility for cases involving wage and working conditions, while the family courts deal with exploitative child labor suits.[1490] In addition, the government's Commission on Human Rights maintains child rights centers in all regions of the Philippines that monitor and investigate cases of child labor.[1491]

Labor inspectors are given specialized training on child labor issues, and a training manual on child labor inspections has been produced with the assistance of ILO's International Program on the Elimination of Child Labor (ILO-IPEC).[1492] Despite these efforts, child labor enforcement is reportedly weak. Nationwide, 253 labor inspectors are responsible for about 82,000 registered businesses concerns, primarily in the formal sector.[1493]

[1484] *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.
[1485] Ibid. at 75.
[1486] *Child Labor in the Philippines* at 175-77.
[1487] *Country Reports 1999—Philippines* at 1264.
[1488] U.S. Embassy-Manila, unclassified telegram no. 005853, September 11, 2000 [hereinafter unclassified telegram 005853].
[1489] U.S. Embassy-Manila, unclassified telegram no. 014481, November 20, 1997, and U.S. Embassy-Manila, unclassified telegram no. 02110, February 20, 1998.
[1490] Unclassified telegram 005853. In 1998, the Government of the Philippines initiated a family court system to help expedite juvenile and domestic relations cases and enhance protections for children against their sale and trafficking abroad. See also *Country Reports 1999—Philippines* at 1264.
[1491] Unclassified telegram 005853.
[1492] For more information on the contents of the course, see *A Training Guide for Specialized Training on Child Labor for the Philippine Labor Inspectorate* (Manila: Department of Labor and Employment's Bureau of Working Conditions and ILO-IPEC, 1997).
[1493] Among the reasons cited as contributing to weak enforcement are inadequate judicial infrastructure and legislative shortcomings such as absence of coverage in the informal sector, insufficient penalties, and a low rate of

The Philippine Government ratified ILO Convention No. 138 on the Minimum Age for Employment on June 4, 1998, and ILO Convention No. 182 on the Worst Forms of Child Labor on November 28, 2000.[1494]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

The Philippines became a member of ILO-IPEC in 1994 and developed a national plan of action to address child labor. The National Child Labor Committee (NCLC), which includes representatives from several government agencies, nongovernmental organizations (NGOs), and trade unions, functions as a steering committee for national child labor programs and promulgates policies and guidelines on child labor issues.[1495] Regional child labor committees work with the NCLC to coordinate programs with the support of local implementation committees.[1496] These committees have access to government funding for child labor projects.[1497]

The government's interagency "Rescue the Child Workers" (*Sagip Batang Manggagawa)* Program, was established in 1994 at the regional and national levels to ensure quick responses to child labor problems and to focus on the most hazardous forms of child labor.[1498]

The Government of the Philippines has worked to eliminate the illegal recruitment of children into employment. It has established more stringent standards for youths seeking jobs abroad, which include standards for age, education, and professional level. In March 2000, the Philippine Government and the United States co-sponsored a conference as part of the Asian Regional Initiative Against Trafficking in Women and Children (ARIAT). The conference led to the development of a comprehensive action plan to combat trafficking within the Asia-Pacific region through the enhancement of measures for prevention, protection and prosecution.[1499]

The government has worked with ILO-IPEC on a number of projects addressing child labor in specific sectors, including quarrying, mining, ports, plantations, domestic service and the production of pyrotechnics.[1500] A 1999 ILO-IPEC program with funding from the U.S. Department of Labor to combat child labor in the fishing sector focuses on the withdrawal of

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conviction. Benedicto Ernesto Bitonio, Jr., Assistant Secretary, Department of Labor and Employment, interview by U.S. Department of Labor official, Manila, Philippines, 4 March 2002 [document on file].

[1494] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1495] U.S. Embassy-Manila, unclassified telegram no. 004103, June 23, 2000 [hereinafter unclassified telegram 004103]; *see also* unclassified telegram 005853.

[1496] Unclassified telegram 005853.

[1497] Unclassified telegram 004103.

[1498] Ibid.

[1499] *Country Reports 1999—Philippines* at 1268.

[1500] *ILO-IPEC in the Philippines* [document on file]

children engaged in deep-sea fishing, including the practice known as *pa aling*.[1501] In 1999, the Philippines joined an ILO-IPEC subregional project to combat child labor in the footwear sector in Laguna.[1502]

The Department of Social Welfare and Development (DSWD) is involved in providing care and assistance to children removed from involvement with the Communist New People's Army.[1503] DSWD, and various NGOs and local groups provide assistance, including shelters and rehabilitation centers, to child victims of pornography, prostitution and trafficking.[1504]

The Philippine Information Agency (PIA) performs opinion surveys on child labor and promotes awareness raising on child labor issues through a nationwide multimedia campaign, training for anti-child labor advocates, and workshops on communication strategies for government officials.[1505] Community watch programs through an NGO called the Visayan Forum Foundation (VF) monitor working children and educate them about their rights.[1506] As an organization, VF focuses its efforts on raising awareness about the plight of child domestic workers in the Philippines and providing assistance to these children.[1507]

b. Educational Alternatives

Philippine law mandates six years of compulsory primary education for children between the ages of 6 and 11.[1508] The compulsory education age (11 years) in the Philippines, however, does not coincide with the minimum age (15 years) for employment.[1509]

Through DWSD's Early Childhood Development Project, the government targets young children under the age of 6 in poor rural and urban areas to prepare them for elementary schooling.[1510] The program, however, has low rates of gross enrollment and is utilized much more heavily in urban centers than in rural areas.[1511] The Department of Education, Culture and Sports (DECS) conducts various programs for working children, including the Functional

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[1501] *Programme to Combat Child Labour in the Fishing Sector in Indonesia and the Philippines,* ILO-IPEC project document [on file]. The project focuses on Negros Oriental and Cebu.

[1502] ILO-IPEC, *Programme to Combat Child Labour in the Footwear Sector in Southeast Asia: Indonesia, the Philippines, and Thailand,* project document [document on file].

[1503] *Country Reports 1999—Philippines* at 1264. *See also* U.S. Embassy-Manila, unclassified telegram 004103.

[1504] Unclassified telegram 004103.

[1505] Ibid.

[1506] Ibid.

[1507] Established in 1991, Visayan Forum Foundation, Inc. (VF) is a nongovernmental organization (NGO) in the Philippines that focuses on migrant working children. For further information on VF, see *Terre de Homme*, "Visayan Forum Foundation, Inc." (www.tdhsea.org/phil_6.htm); cited October 24, 2001.

[1508] *Facts and Figures on Philippine Education* (Pasig City: Department of Education, Culture and Sports, 1997), 11. See also *To Learn and to Earn* at 2.

[1509] *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor,* vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998), 190-91. This discrepancy may contribute to illegal child labor. If children complete their compulsory education by the age of 11 and are unable to continue their studies, they must either remain unemployed until they become 15 or work illegally.

[1510] Unclassified telegram 004103. Specialized assistance is also available for children with special needs.

[1511] *Philippines: Education for All* at 54.

Education and Literacy Program. This program provides basic education and skills training to children who have dropped out of school and to adults. DECS also provides programs for the parents and older siblings of child laborers to improve their earnings potential and reduce the factors that may cause young children to work.[1512]

The Bureau of Nonformal Education (BNFE) is a fundamental part of DECS' strategy to address the problem of child labor, providing remedial instruction for working children and home study programs. In 1999, BNFE began a non-formal education accreditation and equivalency system (NFE A&E) to help children over the age of 15 who drop out of school to gain school certification so that they can enter post-secondary education levels of education. The government also supports distance learning programs and mobile tent schools. The National Project on Street Children provides educational assistance to street children through a network of government, nongovernment and community organizations.[1513] In addition, as part of a program of cooperation (1999 to 2003) between the Government of the Philippines and the United Nations Children's Fund (UNICEF), assistance is provided for children in need of special protection, including working children. The program of cooperation also supports Education for All initiatives in the country.[1514]

The government spent 10.8 percent of the national budget on education in 1994.[1515] The percentage of the government's education budget which is spent on primary schools is increasing, from 40.1 percent in 1990 to 52 percent in 1998.[1516] Total government spending on education as a percentage of gross national product (GNP) from 1995 to 1997 has ranged from 3 percent to 3.4 percent.[1517]

[1512] Unclassified telegram 004103.

[1513] Ibid.

[1514] CPC VS Program 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: Government of the Republic of the Philippines and UNICEF, February 1999), 99-101, 125-28.

[1515] *To Learn and To Earn* at 5-6.

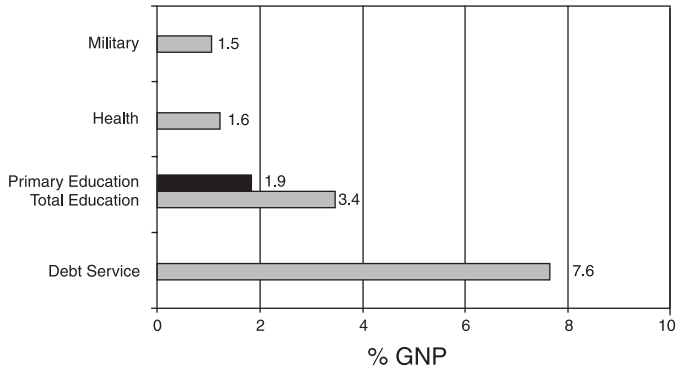
[1516] *Philippines: Education for All* at 52. As noted in *Country Reports 1999—Philippines* (Washington, D.C.: U.S. Department of State, February 2000, 1264), the percentage of the costs of primary schooling covered by the government has been decreasing, from 80 percent of the costs in the 1980s to 69 percent by the mid-1990s. However, it is unclear whether this is related to population growth.

[1517] *World Development Indicators 2000*.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1518]

Selected Government Expenditures as a Percentage of Philippines's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1518] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

ROMANIA

1. Child Labor in Romania

In 1998, the International Labor Organization (ILO) estimated that 0.1 percent of children between the ages of 10 and 14 were working.[1519] Child labor, however, is considered to be an emerging problem throughout the country.[1520] According to the Government of Romania, more than 400,000 children have abandoned school throughout the 1990s.[1521] Moreover, a 1997 survey conducted by Save the Children Romania questioned children living with their families and found that approximately 8 percent of children who attend primary school also work.[1522]

Save the Children Romania's 1997 survey found that a majority of children living with families (93 percent) worked on farms, another 6.5 percent in trade/services, and 0.5 percent were engaged in household work outside the family home.[1523] The reinstatement of private farms after 1989 led to many families involving their children in agricultural activities; in some cases, children dropped out of school prior to completing compulsory education.[1524] Similar situations occur in urban areas, with differences lying in the nature of work activities.[1525] As for hours worked, some children reported working over eight hours a day, though the majority work fewer than eight hours.[1526]

The National Agency for Child Protection and Adoption (NACPA) estimated that there were 2,500 to 3,500 street children in Romania in 2000.[1527] Cities reported to have street children include Bucharest, Craiova, Timisoara, Iasi, Suceava, Galati, Constanta, and Targu-Mures.[1528] A 2001 survey on street children in Bucharest established that 49 percent of the children interviewed belonged to the Roma ethnic group.[1529] The survey found children engaged in

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[1519] *World Development Indicators 2000.*

[1520] U.S. Embassy-Bucharest, unclassified telegram no. 002812, July 2001.

[1521] Informational material prepared by the Back to School Foundation in Bucharest [document on file]. Received at USAID-Romania on July 26, 2001.

[1522] *Child Labor in Romania* (Save the Children Romania, 1997), 1 [hereinafter *Child Labor in Romania*].

[1523] Ibid.

[1524] *Romania: Education for All: 1999* (Ministry of Education, Institute for Sciences of Education, Section 3.3 [hereinafter *Romania: Education for All*].

[1525] Ibid.

[1526] *Child Labor in Romania* at 2-3.

[1527] *Poverty in Romania: Causes, Anti-Poverty Policies, Recommendations for Action,* UNDP and Research Institute for the Quality of Life (RIQL): Saracia in Romania, Poverty in Romania, 2001, 16 [hereinafter *Poverty in Romania*]. The National Agency for Protection of Children's Rights (NAPCR) was reorganized in 2001 and is now the National Authority for Child Protection and Adoption (NACPA).

[1528] "Half Way Home: Romania's Abandoned Children Ten Years After the Revolution," a report to Americans from the U.S. Embassy, Bucharest, Romania, February 2001, 20.

[1529] "Romania—Working Street Children in Bucharest: A Rapid Assessment" (draft) (Bucharest: ILO-IPEC, July-August 2001], 27-28 [hereinafter "Street Children in Bucharest"]. According to the latest statistics, the Roma population accounts for approximately 10 percent of the overall Bucharest population. The Roma experience a poverty rate of 87 percent, considerably higher than the national average of 34 percent. The reason for this is a complex set of factors, including lower levels of education and professional qualifications, involvement in the

begging, car washing/parking, selling merchandise, household work, collection of waste products, and loading and unloading of merchandise.[1530] To a much lesser extent, children reported stealing, engaging in prostitution, and working in construction or in a factory.[1531]

Anecdotal evidence suggests a rise in economic and sexual exploitation of children. However, no comprehensive statistics are available on the scope and pervasiveness of the problem. In July 2001, the International Organization for Migration (IOM) completed the first report in Romania to investigate human trafficking, identifying the groups and regions most at risk and constructing a profile of potential victims. The report confirmed that girls coming from state care institutions are more likely to be trafficked, especially if they have experienced abuse in the past.[1532] Potential victims are most likely to come from the poorer areas of Romania: 39 percent from the province of Moldova, 35 percent from Muntenia, 21 percent from Transylvania, and 5 percent from the capital Bucharest.[1533] Of 279 cases of trafficked victims provided assistance by the IOM from January 2000 to June 2001, 57 were girls between the ages of 15 and 17 years, and 6 were 14 years old or younger.[1534]

2. Children's Participation in School

As of July 1999, compulsory education was increased to 9 years, to include primary education (grades 1–4), and lower secondary education (grades 5–9).[1535] Between 1989 and 1999, children were required to attend school for eight years; prior to 1989 children were required to attend until 18 years of age.[1536] Children are required to begin school at age 7 (or at age 6 on

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informal economy (which can be seen as a coping strategy in the absence of job opportunities, but also prevents this group from escaping marginalization), large families, negative stereotyping, and discrimination. See *Poverty in Romania* at 15.

[1530] "Street Children in Bucharest" at 27-28.

[1531] Ibid. at 28.

[1532] "Romania: Trafficking in Women," International Organization on Migration Press Release (Bucharest, July 6, 2001) [hereinafter Romania: Trafficking in Women]. Institutionalized children are either abandoned or turned over by parents to state-run institutions for care. As of March 2001, of the 88,463 children in protected living settings overseen by Child Protection Services, 64.3 percent reside in state care institutions, and 35.7 percent live in family-type settings such as with foster families or adopted families. *See* "Specialized Public Services for Child Protection," *National Authority for Child Protection and Adoption Statistical Bulletin*, March 2001, 1.

[1533] Romania: Trafficking in Women.

[1534] "Cases Assisted by IOM Bucharest," International Organization on Migration (Bucharest, July 2, 2001).

[1535] *Romania: Education for All* at Section 3.2. Pre-primary school education is not mandatory in Romania, and the pre-primary school gross enrollment rate (for 3- to 6-year-olds) has fluctuated from 63.3 percent in 1989, to 50.2 percent in 1993, and to 64.2 percent in 1998. *See* United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment—A Decade of Education*, Country Report, Romania (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Romania*]. Prior to 1998, pre-primary school education was free, but now the growing use of fees means children from poor households and marginalized groups face problems gaining access. These children stand to gain the most from investment in their education to enhance their success in school and to help avoid poverty in later life as a result of inadequate qualifications. See UNICEF, "Children at Risk in Central and Eastern Europe: Perils and Promises: A Summary," *The MONEE Project Regional Monitoring Report*, no. 4, 1997, 9-10.

[1536] U.S. Embassy-Bucharest, unclassified telegram no. 003732, August 2000.

request by parents).[1537] In 1996/97, 6.8 percent of children ages 7-14, the population subject to compulsory education, did not attend school.[1538]

Primary school attendance rates are unavailable for Romania. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1539] In 1998, the primary school net enrollment rate was 91.6 percent, and the primary school gross enrollment rate was 99.8 percent in 1998.[1540] In 1996, an estimated 95.7 percent of children reached grade 5.[1541] Four percent of children repeated a grade for that same year.[1542] In 1996/97, 9,200 children dropped out from primary education, which rose to 11,696 in 1998/99.[1543] There were 1,284,507 children enrolled in primary school in 1998 with a student teacher ratio at 18.7 percent.[1544]

The secondary school net enrollment rate has risen slightly in Romania from 72.8 percent in 1993 to 73 percent in 1996.[1545] In 1998/1999, 9,027 children dropped out from urban secondary education and 8,362 from rural secondary education of the total intake of 1,138,316 children.[1546]

Vocational education includes children and adolescents over 14 who have completed their compulsory education. Vocational schools are part of the state education and involve two to four years of study, depending on the specialization.[1547] In 1998/99, the intake was 201,243 students.[1548]

According to research conducted in 2000, 19.6 percent of Roma children aged 7-18 had never enrolled in school, 9.2 percent dropped out in primary school, and 6.6 percent dropped out in secondary school.[1549] Of Roma children aged 10-18, 23 percent had no reading skills at all, 16.6 percent reads with difficulty, and 60.4 percent reads well.[1550]

There has been an increase of non-enrollment or dropout rates among children of compulsory education age, particularly in rural areas. The main reasons cited for this include the

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[1537] *Romania: Education for All* at Section 3.2.

[1538] *Romania's Periodic Progress Report on the Implementation of the U.N. Convention on the Rights of the Child*, National Agency for the Protection of Children's Rights on the Romanian Government, Section 7.3 (www.copii.ro/htm/english/rd/1.htm); cited September 27, 2001 [hereinafter *Progress Report on the Implementation of the U.N. Convention*].

[1539] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1540] *Education for All: Year 2000 Assessment—Romania.*

[1541] Ibid.

[1542] Ibid.

[1543] *Progress Report on the Implementation of the U.N. Convention.*

[1544] *Education for All: Year 2000 Assessment—Romania.*

[1545] *World Development Indicators 2000.*

[1546] *Progress Report on the Implementation of the U.N. Convention.*

[1547] Ibid.

[1548] Ibid.

[1549] Pop and Voicu, 2000, as cited in *Poverty in Romania* at 30.

[1550] Ibid.

lack of basic necessities such as food, clothing, school supplies and transportation to school, particularly in rural areas.[1551] Other reasons might be faulty communication between the school and the family as well as a decrease in motivation for education due a child's desire to earn money quickly or inadequate support for studying from parents (particularly poor, socially troubled families).[1552]

3. Child Labor Law and Enforcement

Article 45 of the Romanian Constitution states that children under the age of 15 may not be employed for any paid labor, and the exploitation and employment of children in activities that might be physically or morally unhealthy or put their lives or normal development at risk are prohibited.[1553]

Pursuant to Article 161 of the Labor Code, employed children under the age of 18 may not be placed in hard or hazardous working places and may not be made to work nighttime or beyond the legal duration of a working day (8 hours), except in emergencies.[1554] Young employees under 18 years are entitled to a minimum of 24 days of holiday with pay (Law No. 6/1992, Article 1, par. 2).[1555]

According to Article 7 of the Labor Code, starting at age 16, any person can be engaged in employment or work. Young persons aged 15 and 16 can be employed with the consent of their parents or legal guardian on condition that the work performed is in accordance with their health, abilities and education.[1556] Under this law, a young person has a right and duty to complete compulsory education, and the employer has a duty to support the young person in completing his or her education.[1557] Article 162 of the Labor Code limits work to six hours a day for 15 and 16 year olds.[1558] Medical control and authorization is needed prior to employment or work of young persons, and parents can withdraw their consent where work endangers the health of the child according to the Family Code.[1559] According to Article 155 of the General Norms of Labor Protection, children under the age of 16 years shall not be used for loading, unloading, and handling operations.[1560]

[1551] *Poverty in Romania* at 30.

[1552] *Progress Report on the Implementation of the U.N. Convention.*

[1553] Romanian Constitution (adopted December 8, 1991), Article 45 (4) (www.uniuerzburg.de/law/ro00000_.html) [hereinafter Romanian Constitution].

[1554] *Progress Report on the Implementation of the U.N. Convention* at Section 8.3.

[1555] Ministry of Labour and Social Solidarity, "National Legislation on Child Labor," Labor Inspection, 2001, brochure published as part of the Labor Inspection's National Campaign on the Elimination of Child Labor [hereinafter "National Legislation on Child Labor"].

[1556] Ibid.

[1557] Ibid.

[1558] Ibid.

[1559] Ibid.

[1560] Article 134 of the General Norms of Labor Protection prevents anyone between the ages of 16 and 18 from handling, carrying, or lifting a load of more than 5 kilograms for women and 12 kilograms for men. *See* "National Legislation on Child Labor."

Children over 16 can conclude a labor contract without the approval of their parents or legal guardian. In this case, children will exert on their own the rights and duties deriving from their contracts and will be entitled to earnings as a result of their work.[1561]

Measures to protect employed persons are regulated by Law No. 130/1999, as amended and modified. Article 15 of this same law imposes fines of 5 to 10 million lei (US$173 to US$347) on employers who use work persons for which they do not have a labor agreement.[1562] If infractions of the legislation on labor protection are numerous or severe, the government may impose a 3-month to 2-year prison sentence or a fine for those found guilty.[1563] Article 191 of the Penal Code outlaws the act of submitting a person to labor against his/her will or to mandatory labor, with the penalty of six months to three years in prison.[1564]

The implementation of child protective policies, including those on child labor, is the responsibility of several agencies, including the Ministry of Labor and Social Solidarity, the Ministry of Health and Family, the Ministry of Education and Research, and the National Authority for Child Protection and Adoption (NACPA).[1565] Enforcement of labor laws that protect children from labor and all hazards connected to it and imposing fines for failing to respect laws falls under the mandate of the Ministry of Labor and Social Solidarity, Labor Inspection (established under Law No. 108/1999).[1566]

In December 2001, the government passed Law 678, which protects children under the age of 19 years from trafficking and applies enhanced punishments in the case that the child is under 15 years of age.[1567] Article 329 of the Penal Code prohibits individuals from prostituting children, which is punishable with imprisonment from 2 to 7 years.[1568] The maximum punishment is 10 years for anyone convicted of enticing or helping another person to practice prostitution with a child.[1569] Article 18 of Law 678 also criminalizes child pornography,[1570] and Article 325 of the Penal Code prohibits the selling, spreading, manufacturing, and possession of obscene materials with the purpose of dissemination, punishable by a fine or up to 4 years imprisonment.[1571] From the period of 1990 to early 1997, the prosecutor's office had 1,254 cases

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[1561] *Progress Report on the Implementation of the U.N. Convention* at Section 2.5.

[1562] "National Legislation on Child Labor." Currency conversion rate is as of November 9, 2001.

[1563] Ibid.

[1564] *Progress Report on the Implementation of the U.N. Convention* at Section 8.3.

[1565] "Street Children in Bucharest" at 13.

[1566] *Report on the Romanian Laws, Actions, and Programs Concerning Combating the Worst Forms of Child Labor*, Romania Ministry of Labor and Social Protection [facsimile], September 25, 2000.

[1567] Article 13 establishes the provisions against trafficking of children. *See* Electronic Correspondance, U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, May 2, 2002.

[1568] Article 329, *Progress Report on the Implementation of the U.N. Convention* at Section 8.3. of the Penal Code of Romania, as cited in The Protection Project, Country Report, Romania, January 2001 (www.protectionproject.org) [hereinafter Romania Country Report].

[1569] Article 329 of the Penal Code of Romania, as cited in Country Report, Romania.

[1570] Electronic Correspondance, U.S. Department of State Official, Eric Barboriak, to U.S. Department of Labor Official, May 2, 2002.

[1571] Ibid.

involving a sexual crime against children ages 4-17, some of which have been resolved with sentences of imprisonment imposed on the perpetrators.[1572]

Romania ratified International Labor Organization (ILO) Conventions No. 138 on the Minimum Age for Employment on November 19, 1975, and ILO Convention No. 182 on the Worst Forms of Child Labor on December 13, 2000.[1573] In October 2001, Romania ratified the optional protocols of the United Nations Convention on the Rights of the Child, concerning the Sale of Children, Child Prostitution and Child Pornography.[1574]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In June 2000, the Government of Romania signed a Memorandum of Understanding (MOU) with the ILO's International Program on the Elimination of Child Labor (ILO-IPEC). Under this MOU, a National Steering Committee was established as a coordinating body to oversee national program activities.[1575] Child Labor Units were formed within the Ministry of Labour and Social Solidarity's (MLSS) Labour Inspectorate and the National Authority for Child Protection and Adoption (NACPA) in June 2000.[1576]

In collaboration with the ILO-IPEC and with funding from the U.S. Department of Labor (USDOL), in 2000, Romania launched a National Action Program to Eliminate Child Labor. The program aims to eliminate child labor and prevent a further increase in child labor in Romania through building the capacity for government and nongovernmental agencies to effectively implement and sustain national policy and programs to combat child labor. Under this program, projects focus on sensitizing the public and the authorities to the issue of child labor, particularly among families and schools with high dropout rates and communities with high incidences of child labor and street children.[1577] Groups receiving particular attention and access to rehabilitation services include rural working children, working street children, Roma working street children and their families, community leaders and teachers.[1578]

[1572] *Progress Report on the Implementation of the U.N. Convention* at Section 8.3.

[1573] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1574] Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (www.unicef.org/crc/opsx-tableweb.htm).

[1575] As of September 2001, the National Steering Committee (NSC) consisted of representatives of the National Authority for Child Protection and Adoption, Ministry of Labour and Social Solidarity's Labor Inspectorate, Ministry of Education and Research, Ministry of Health and Family, Ministry of European Integration, General Inspectorate of the Police, workers' and employers' organizations, nongovernmental organizations (NGOs) active in child protection, and representatives from academia. *National Action for the Prevention and Elimination of Child Labour in Romania*, Technical Progress Report No. 3 (Geneva: ILO-IPEC, September 2001), Annex 2 [hereinafter *Child Labour in Romania*, Technical Progress Report No. 3] [document on file].

[1576] Ibid. It is anticipated that the size of the NSC will be reduced.

[1577] *National Action for the Prevention and Elimination of Child Labour in Romania*, project document (Geneva: ILO-IPEC, prepared February 1999, revised May 1999), 6 [document on file].

[1578] Ibid.

As of March 2001, the first of 50 police officers of the General Inspectorate of Police began training to identify and take actions to address the worst forms of child labor. In May 2001, the first 25 MLSS labor inspectors were trained to investigate and monitor child labor activities.[1579]

The National Authority for Child Protection and Adoption (NACPA) looks into all issues related to child welfare, but currently concentrates on children in difficult situations and those with disabilities. To date, joint efforts of the Child Labor Unit from the NACPA and the National Steering Committee have included the drafting and government adoption of the National Strategy for Child Protection for 2001-4 and of the Operational Plan for the Implementation of the Strategy (Government Decision 539/June 14, 2001), which includes children exploited by labor as a special target group of the strategy.[1580] The plan recommends improvement of the national legislation on the exploitation of children; diversification of the rehabilitation services provided for children; establishment of monitoring mechanisms for children in difficult circumstances; implementation of action programs to combat child labor; and the provision of training for professionals working with children in difficulty.[1581]

The National Institute of Statistics and Economic Studies (NISES), with funding from USDOL and technical assistance from ILO-IPEC's Statistical Information and Monitoring Program on Child Labor (SIMPOC) have been carrying out a national survey on child labor in Romania since July 2000. Data are being collected on 18,000 households comprising an estimated 28,800 children 5-17 years old for further analysis.[1582]

An active civil society in Romania is taking a greater role in combating child labor, child trafficking, and the problem of street children. There are approximately 30 nongovernmental organization (NGO) members and an additional 40 non-dues-paying members of the Federation on NGOs Active in Child Protection (FONPC) that serve children in different risk categories, including street children and school dropouts.[1583] Most NGOs are located in Bucharest, but FONPC has member representation in 30 of Romania's 42 counties.[1584]

b. Educational Alternatives

The Romanian Constitution (Article 32) states that a child has a right to an education and that public education should be free.[1585] Article 6 of the Education Law (No. 84/1995), which was amended in 1999, increased compulsory education in the country from eight to nine years.

[1579] *Child Labour in Romania*, Technical Progress Report No. 3.

[1580] *Government Strategy Concerning the Protection of the Child in Difficulty (2001-2004)* (Bucharest: Government of Romania, National Authority for the Protection of the Child and Adoption, May 2001), 15.

[1581] Midterm Review Country Program on Child Labor in Romania: Discussion Report (Bucharest: ILO-IPEC, July 2001) [document on file].

[1582] *SIMPOC Progress Report No. 3* (Geneva: ILO-IPEC, September 2001) [document on file].

[1583] Interview with Dr. Diana Nitorescu, executive director, Federation of Nongovernmental Organizations Active in Child Protection (FONPC) with U.S. Department of Labor official, Bucharest, July 23, 2001.

[1584] Ibid.

[1585] Romanian Constitution, Article 32.

Article 20 of the law refers to the possibility that special classes can be organized for children who have not completed their first four years of compulsory education by the age 14.[1586] In addition, Article 15 of the law provides, in the case of individuals who are more than two years older than the typical age for their school level, that secondary school classes may be organized as evening classes, as "low-attendance" classes, or as "distance learning" classes.[1587]

The Education Law recognizes education as a national priority.[1588] During Romania's period of educational restructuring (1993-1996), curriculum reform was undertaken at all levels of the country's educational system, the country's textbook market was liberalized, administration and management was decentralized, and teacher training was reorganized.[1589]

Throughout the transition period, the Romanian Government continued to make cash payments to families in the form of the state child allowance, raising the amount in 1998 from 50,000 to 65,000 lei (US$5.60 to US$7.95) per child, 18 times the amount granted in 1993, and 25 percent more than in 1997.[1590] The payment, which is conditional on school attendance, is intended to prevent school dropouts. Law No. 61/1993 addresses the issue of the state child allowance granted until the age of 16; or, if the child is integrated in one of the legally recognized education systems, until the age of 18. Law No. 261/1998 modifies the state child allowance provided for under Law 61/1993, making it accessible to young persons over 18 until they complete high school or vocational education, except in the case of those repeating a school year.[1591]

International organizations such as the International Monetary Fund, the World Bank, the United Nations Children's Fund (UNICEF), the European Union, Council of Europe, the United Nations Development Program, and others have actively supported education and child protection initiatives in Romania.[1592] There is growing involvement of local communities and local NGOs in the organization of education even for the most marginalized groups in Romania society.[1593]

In 1997, primary education was allocated 51 percent of the total public expenditure on education. That percentage decreased slightly to 49.7 percent in 1998.[1594] Expenditures per pupil as a percentage of Romania's gross national product (GNP) per capita increased from 7.78 percent in 1997 to 8.39 percent in 1998.[1595]

[1586] "Street Children in Bucharest"at 13.

[1587] Ibid.

[1588] *Progress Report on the Implementation of the U.N. Convention.*

[1589] *Romania: Education for All* at Section 1.2.

[1590] The payment amount was increased as a result of Government Decision 173/1998. See *Progress Report on the Implementation of the U.N. Convention.* Currency conversion rate is as of June 1, 1998.

[1591] *Progress Report on the Implementation of the U.N. Convention.*

[1592] *Romania: Education for All* at Section 2.2.1.

[1593] Ibid. at 1.2.3. For example, NGOs providing service to abandoned children, street children, or children with special needs include Foundation for an Open Society, SOS Children Association, For Our Children—Bucharest, Ion Creanga Children's Home, Foundation for Children, House of Home, and many others.

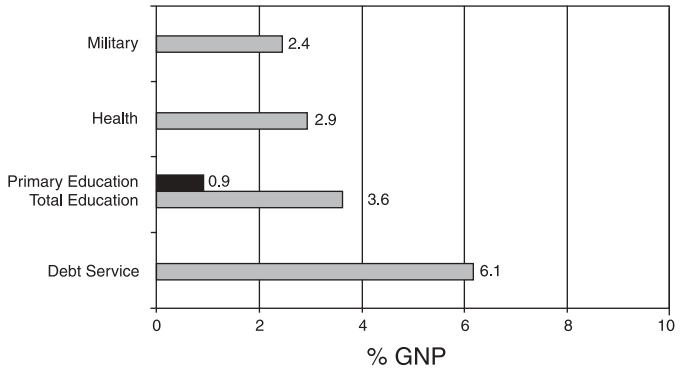
[1594] *Education for All: Year 2000 Assessment—Romania*.

[1595] Ibid.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1596]

Selected Government Expenditures as a Percentage of Romania's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1596] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

SOUTH AFRICA

1. Child Labor in South Africa

In 1999, a child labor survey conducted by the South Africa Statistical Agency in cooperation with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC) estimated that 36 percent of children between the ages of 5 and 17 in South Africa were working.[1597] Working children are more prevalent in rural areas and in the agricultural sector than in urban areas. A higher proportion of children in rural areas worked (63.5 percent) than children living on commercial farms (47.5 percent), in informal urban areas (41.5 percent), and in formal urban areas (23.4 percent).[1598] Around 59 percent of working children in South Africa work for at least three hours per week in the agricultural sector, while roughly 33 percent worked in trade-related activities for three or more hours per week.[1599] Within the agricultural sector, working children are more prevalent on subsistence farms than on commercial farms.[1600]

Child labor in commercial agriculture is most visible in the Western Cape, Free State, Mpumalanga, and the Northern Province.[1601] Children can be found particularly on smaller, labor-intensive farms planting and harvesting vegetables, picking and packing fruit, and cutting flowers.[1602] Some children working on commercial farms are children of adult farm workers while others are from neighboring villages or townships.[1603] They are often not employed directly by farmers but assist their parents, who are paid on a piece-work basis.[1604]

Children often work as domestic servants. This practice appears to be especially prevalent on farms, in rural areas, and among children from migrant populations.[1605] There are also reports of children working in coal yards.[1606]

[1597] This statistic includes children who work at least three hours per week in economic activities (fetching wood and/or water, unpaid domestic work, or economic activities for pay, profit, or family gain), five hours per week in school labor (school maintenance, cleaning or school improvement activities), and seven hours for household chores (work in the family home, where the child's parent, grandparent or spouse is present). Statistics South Africa, *Child Labor in South Africa: Surveys of Activities of Young People 1999* (Draft), tables [hereinafter *Surveys of Activities of Young People 1999*] http://www.ilo.org/public/english/standards/ipec/simpoc/southafrica/report/index.htm on 12/18/01.

[1598] Statistics South Africa and South Africa Department of Labor, *Child Labor in South Africa: Survey of Activities of Young People, 1999* (Pretoria: Statistics South Africa, 2000), 35.

[1599] Ibid. at 51.

[1600] Ibid. at 35.

[1601] U.S. Embassy-Johannesburg, unclassified telegram no. 0655, June 21, 2000 [hereinafter unclassified telegram 000655].

[1602] Ibid.

[1603] Interview with Zacharia Mohanoe, assistant general secretary, and Ignatius Simone, education coordinator, National Union of Farmworkers, July 27, 2000.

[1604] Unclassified telegram 000655.

[1605] Ibid.

[1606] One inspection led to the discovery of children working in three coal yards where they were packing sacks with coal, loading them on carts, and delivering the sacks. The children were being paid on commission. *See* Interview

The incidence of child labor varies amongst children from the four main racial categories recognized in South Africa: "African," "colored," "Indian," and "white."[1607] Child labor appears to be most prevalent among African children. According to the 1999 government survey, a greater percentage of African children work (51.9 percent) than colored children (27 percent), Indian children (11.5 percent), or white children (11.4 percent).[1608] A greater proportion of African working children (62.9 percent) engage in agricultural work, as compared to colored working children (39.4 percent), Indian working children (3.1 percent), and white working children (28 percent).[1609] On the other hand, 52.5 percent of Indian and 50.1 percent of white working children work in trading activities.[1610]

According to the survey results, child labor appears to be somewhat more prevalent among female than male children. Among working children between the ages of 10 and 14 years, girls made up roughly 55 percent of the group as compared to some 45 percent for boys.[1611] A larger number of female children than male children were involved in service occupations.[1612]

There are reports that commercial sexual exploitation of children may be growing in South Africa. There are no accurate statistics for the number of children engaged in prostitution, but one NGO estimates that there are 10,000 children among the some 40,000 prostitutes working in the Johannesburg area alone.[1613] In Johannesburg, children as young as 8 years old have been found in brothels, and a large number of boys, particularly those trying to survive on the streets, are also reportedly drawn into prostitution.[1614] Child prostitutes are particularly sought after because they are believed to be disease-free or because of the belief that having sex with a virgin cures diseases such as HIV/AIDS. As South Africa becomes an increasingly popular tourist destination, cities like Cape Town and Durban are becoming destinations for tourists seeking sex with minors.[1615] Children are also allegedly exploited sexually in return for the liquidation of family debts or to raise income for the family.[1616]

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with Fatima Bhyat, director of minimum standards, South Africa Department of Labor, by U.S. Department of Labor official (July 26, 2000) [hereinafter Bhyat interview]. *See also* Charity Bhengu, "Poverty Condemns Kids to a Tough Life," *Sowetan*, April 19, 2000.

[1607] "The terms 'African', 'Coloured', 'Indian', and 'White' are apartheid classifiers. Because these racial classifications correspond so strongly with economic and social status and poverty, they have been retained until such time as greater equity between race groups has been achieved." From *Convention on the Rights of the Child*, Republic of South Africa, November 1997, 1 [hereinafter *Convention on the Rights of the Child*].

[1608] *Child Labor in South Africa* at 37.

[1609] Ibid. at 51.

[1610] Ibid.

[1611] Ibid. at 37.

[1612] Ibid. at 51.

[1613] Unclassified telegram 000655.

[1614] Charity Bhengu, "Children Forced into Prostitution," *Sowetan*, March 17, 1998.

[1615] ECPAT International, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children*, Stockholm, Sweden, August 28, 1966 (1999-2000), Section 3.4. [hereinafter *Looking Back, Thinking Forward*].

[1616] Ibid. *See also* South Africa National Council for Child and Family Welfare, *Report on the Commercial Sexual Exploitation of Children in South Africa*, June 9, 2000, 10.

South Africa is thought to be one of the main trafficking centers in Africa, both as a receiver country and as a transit point. Young girls from neighboring countries such as Mozambique and Zambia have reportedly been found working in the sex industry in South Africa, sometimes lured with promises of employment but then sold into the sex industry.[1617] It is also thought that children are trafficked to countries such as the U.S., Israel, and Russia through South Africa.[1618] There are unconfirmed reports that South Africa may also be a source country for children trafficked to European countries.[1619]

There is a growing sense that the HIV/AIDS epidemic in South Africa is leading to an increase in the incidence of child labor. As more and more individuals die from the disease, the number of child-headed households has increased. According to ILO-IPEC, these "HIV/AIDS orphans" are often forced into the worst forms of labor.[1620]

2. Children's Participation in School

Primary school attendance rates are unavailable for South Africa. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1621] School enrollment in South Africa has increased from 10 million in 1991 to over 12 million in 1998, an annual growth rate of 2.8 percent.[1622] The net enrollment rate for primary schools in 1997 was 87.1 percent,[1623] suggesting that universal primary education for the official primary school age group has not yet been achieved.[1624] The net enrollment rate was slightly higher for male children (87.9 percent) than for female children (86.3 percent).[1625]

There are numerous barriers to school attendance. From 1948 to 1994, a succession of apartheid-driven policies resulted in social inequalities along racial lines, and black South Africans in particular were deprived of opportunities to access basic social services, including education. Many schools continue to face significant problems that have a negative impact on the quality of education. There are high student to teacher ratios (36:1 in primary schools in 1996),[1626] a high percentage of unqualified or under-qualified teachers, and a poor physical environment at schools, including lack of sanitation facilities, electricity, and appropriate teaching materials. Parents must pay school fees, and though no student may legally be denied

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[1617] *Looking Back, Thinking Forward*.
[1618] Ibid.
[1619] Ibid.
[1620] Interview with E. Kenneth Andoh, director, Pretoria Area Office, ILO-IPEC, by U.S. Department of Labor official, July 25, 2000.
[1621] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.
[1622] South Africa Department of Education, *Education for All: The South African Assessment Report* (Pretoria: Department of Education, 2000), 29. [hereinafter *The South African Assessment Report*].
[1623] Ibid. at 31.
[1624] Ibid. at 32.
[1625] Ibid. at 31.
[1626] *World Education Report 2000: The Right to Education: Towards Education for All throughout Life* (Geneva: UNESCO Publishing, 2000), 152.

admission to a public school if they cannot or do not pay the school fee, there are additional costs such as transportation and school uniforms that nevertheless prevent many children from attending school.[1627]

According to the 1999 survey, relatively few child workers between the ages of 5 and 17 stated that working kept them out of school (0.9 percent of female and 5.9 percent of male children).[1628] Most children between the ages of 5 and 17 were involved in economic activities for three or more hours per week for pay, profit or family economic gain combined work and schooling (90.8 percent).[1629] Most child workers (50.5 percent) worked after school, while 29.2 percent worked on weekends and holidays, and 3.8 percent worked during school hours.[1630]

Among older children, 16 to 17 years old, there seems to be no significant difference in educational attainment between those who worked and those who did not work, but there are differences among younger children. Among children 13 years of age, for example, only 17 percent of those who worked had completed at least seven years of schooling compared to 40 percent of those who did not work.[1631]

3. Child Labor Law and Enforcement

The Constitution of South Africa includes broad protections for children while specific laws regulate the conditions under which children are allowed to work. Section 28 of the Constitution provides that every child, defined as a person under 18 years of age, has the right to be protected from exploitative labor practices and not to perform work or provide services that are inappropriate for that child's age or risk the child's well-being, education, physical or mental health, or spiritual, moral or social development.[1632] The Basic Conditions of Employment Act, 1997 (BCEA)–the primary piece of legislation governing working conditions–also prohibits the employment of children in work that is "inappropriate" for their age or that places their well-being, education, physical or mental health, or spiritual, moral, or social development at risk.[1633]

The minimum age for employment in South Africa is 15. Section 43 of the BCEA prohibits the employment of children who under 15 years of age or who are still subject to compulsory schooling.[1634] For children over the age of 15, the BCEA provides for the adoption of additional regulations prohibiting or placing conditions on their employment.[1635]

[1627] Statistics South Africa, "Child Labor in South Africa: Tables. Surveys of Activities of Young People 1999" (draft), 2000 (www.ilo.org/public/english/standards/ipec/simpoc/southafrica/report/index.htm) [hereinafter "Child Labor in South Africa: Tables"].

[1628] *Child Labor in South Africa* at 64.

[1629] Ibid. at 61.

[1630] Ibid. at 62.

[1631] Ibid. at 66.

[1632] *Convention on the Rights of the Child*.

[1633] Basic Conditions of Employment Act (Act No. 75), 1997, *Government Gazette, Republic of South Africa* (Cape Town: Creda Communications for the Government Printer, December 1997), 38, 40 [hereinafter Employment Act].

[1634] Ibid.

[1635] Ibid.

Employment of children is defined as a criminal offense in the BCEA and carries a maximum penalty of three years in jail. In addition, it is a violation to assist an employer who violates the BCEA or to discriminate against a person who refuses to allow children to be employed.[1636] The South Africa Schools Act also provides for the prosecution of persons who prevent a child under 15 years of age from attending school in order to work, and labor inspectors can assist the Department of Education to enforce the requirements of this act.[1637]

Regulations for children who are working informally, for example as self-employed workers or service workers, are not as extensive as those for children working as formal employees. The BCEA does not apply to this type of work unless the work constitutes forced labor. However, the Child Care Act and the South Africa Schools Act may each be used to enforce minimum age of employment laws among children who are engaged in these types of non-formal employment.[1638]

Laws and regulations regarding the commercial sexual exploitation of children are currently being revised. The Sexual Offences Act No. 23 of 1957 makes prostitution an offence regardless of the age of the offender; children who are victims of commercial sexual exploitation can, therefore, be arrested for prostitution. However, according to an ILO study, the approach of the office of National Director of Public Prosecutions is to refer such matters to a children's court to determine whether the child is in need of care, and the prosecution of persons exploiting children is pursued.[1639] In addition, the South African Law Commission project committee on sexual offences is currently drafting a new Sexual Offences Act, which reportedly recommends a complete prohibition on the commercial sexual exploitation of children, including child prostitution, child pornography, and trafficking in children.[1640]

Neither child sex exploitation nor child pornography is covered by the BCEA unless the work constitutes forced labor. However, the government passed an amendment to the Child Care Act in 1999 that prohibits the commercial sexual exploitation of children in a similar but much more comprehensive manner than the Sexual Offences Act, 1957.[1641] Under this amendment, any person who is involved, directly or indirectly, in the commercial sexual exploitation of children is guilty of an offence and is liable for a fine and/or a maximum prison sentence of 10 years. It also makes the owner, lessor, manager, tenant or occupier of property on which the commercial sexual exploitation of children may occur liable for failing to report such occurrences to the police. In addition, an amendment to the Films and Publication Act, which came into force on April 30, 2000, makes it illegal for a person to create, produce, import or possess a publication of children pornography or to create, distribute, produce or possess such a film.[1642]

[1636] Ibid.

[1637] "Child Labor in South Africa: Tables."

[1638] Ibid.

[1639] Ibid.

[1640] Ibid.

[1641] *Implementation of the Convention on the Rights of the Child: South Africa's Supplement to the Initial Country Report* (Pretoria: Office of the President, 2000), 58-59 [hereinafter *Implementation of the Convention*].

[1642] "Child Labor in South Africa: Tables." See also *Implementation of the Convention* at 59.

Law enforcement, however, is reportedly lax, and there are problems in the investigation, charging, and sentencing of offenders.[1643]

The BCEA prohibits all forms of forced labor.[1644] Section 28 of the Bill of Rights of the Constitution (1996) also prohibits the use of children in armed conflicts or paramilitary groups.[1645]

With the passage of the BCEA in 1997, the South African Department of Labor (SADOL) is now the primary government entity responsible for monitoring compliance with and enforcing South Africa's labor laws, including provisions on child labor. There are approximately 600 labor inspectors throughout South Africa who focus on the BCEA,[1646] and they check for child labor incidence as part of their inspections.[1647] Social workers often accompany labor inspectors on their inspections, and labor inspectors are able to assist the Department of Welfare and the Department of Education enforce the provisions of the Child Care Act and South Africa Schools Act which have a direct bearing on child labor.[1648] However, officials from SADOL report that few child labor cases have actually been prosecuted,[1649] and they attempt to resolve problems by counseling employers, child workers, and parents.[1650]

South Africa ratified ILO Convention No. 138 on the Minimum Age for Employment on March 30, 2000, and ILO Convention No. 182 on the Worst Forms of Child Labor on June 7, 2000.[1651] South Africa has also ratified the African Charter on the Rights and Welfare of the Child, 1990. In 2000, South Africa ratified the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Governmental bodies and nongovernmental organizations (NGOs) in South Africa have taken steps to address child labor. Before and after promulgating the BCEA, the government coordinated *ad hoc* meetings with stakeholders actively involved on child labor issues. These

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[1643] *Looking Back, Thinking Forward*.

[1644] Employment Act at 40.

[1645] As quoted in *Convention on the Rights of the Child* at 16.

[1646] Bhyat interview.

[1647] *See*, for instance, South Africa Department of Labor, "Integrated Labour Inspection Checklist," received from Department of Labor officials, August 2000.

[1648] Dawie Bosch, *Enforcing the Law on Child Labour in South Africa*, quotes and summary of the material and information presented for the Department of Labor training workshop (May 24-26, 1999), 5-6, as reproduced in Network Against Child Labor, *Documents to be Discussed at the Meeting of 17 January 2000* (Johannesburg: Department of Social Services and Population Development, 2000) [hereinafter Network Against Child Labor].

[1649] Bhyat interview.

[1650] Unclassified telegram 000655.

[1651] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

meetings eventually led to the formation of a national stakeholders forum – the Child Labor Inter-sectoral Group (CLIG) – in 1997.[1652] There are also 10 CLIGS located in the provinces. The CLIG focuses on raising awareness and coordinates and monitors services provided by the government and NGOs. The CLIG adopted the South African Child Labor Action Program, which was developed in February 1998 by a workshop of stakeholders, and presented it to the National Program of Action Steering Committee (NPA) for formal endorsement.[1653] SADOL, the Department of Welfare, and other stakeholders belonging to the CLIG have developed an enforcement policy to guide the implementation of the BCEA's provisions on child labor and to train labor inspectors.[1654]

Within the government, other ministries in addition to SADOL have taken an active role in child labor initiatives. The South African Department of Welfare, a member of the CLIG, administers a number of social safety net programs that help prevent children from entering the workforce. These include the Child Support Grant for families with children up to 7 years of age and the Flagship Programs for Women with Children (under 5 years of age) train women and build their capacity in business skills, nutrition, and childcare.[1655] In addition, the Department of Welfare administers a family allowance program that provides cash benefits to low income persons caring for children under the age of 18 and disability and death programs that also provide cash benefits.[1656]

In 1997, South Africa developed a National Plan of Action against the Commercial Sexual Exploitation of Children. This plan has reportedly enabled South Africa to use a systematic approach to addressing commercial sexual exploitation of children.[1657]

In 1998, the Government of South Africa signed a Memorandum of Understanding (MOU) with the ILO. With support from the ILO, SADOL and Statistics South Africa carried out the *Survey of Activities of Young People in South Africa*, a comprehensive survey on the nature and extent of child labor in South Africa.

The government has developed a close working relationship with several children's rights NGOs. The Network Against Child Labor (NACL) – dedicated solely to combating child labor – is made up of about 50 member organizations and was established to feed into structures set up by the CLIG. The aim of the NACL is to end the economic exploitation of children through their labor by raising public awareness, advocacy, policy-making, research, networking, and legal and oral interventions.[1658]

The South Africa National Council for Child and Family Welfare has been active in fighting the commercial sexual exploitation of children as part of a general child welfare

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[1652] *Implementation of the Convention* at 56.
[1653] Network Against Child Labor at "Background."
[1654] Ibid. at "Discussion Document in Relation to Child Labour in South Africa."
[1655] Ibid., "Submission to the Departmental Committee on Developmental Social Services," at 3.
[1656] U.S. Social Security Administration, *Social Security Programs throughout the World, 1999* (Washington, D.C.: U.S. Government Printing Office, 1999), 328-29.
[1657] *Looking Back, Thinking Forward*.
[1658] Network Against Child Labor at "Background."

movement. There are 167 child welfare societies around the country with approximately 80 more in development.[1659] The Council instituted a media campaign against child prostitution and other forms of sexual exploitation and lobbied various government ministries to address the problem of commercial sexual exploitation of children. The Council has also conducted educational and awareness-raising programs at schools and has provided services directly to families.[1660] There are shelters that assist children in prostitution in their recovery and reintegration into society; the Salvation Army Social Services manages the Ethembeni Children's Home, a residential program for child prostitutes that sends the children back to school or for skills training.[1661]

NGOs such as the South African National Council for Child and Family Welfare have begun working specifically with HIV/AIDS orphans. The government and individual businesses have also begun numerous HIV/AIDS education and prevention programs in an effort to halt and reverse the rate of infection among adults.

b. Educational Alternatives

Since the transition to a democratically elected government in 1994, South Africa has engaged in fundamental education reforms designed to increase access to and the quality of education. The Constitution states that every person has a right to basic education and that the State must do all that is reasonable to ensure that everyone receives a basic education.

The South African Schools Act (1996) replaced the Education Acts of the apartheid government and paved the way for a single, non-racial school system. The Schools Act asserts that all individuals have a right to access basic and quality education and may not be discriminated against, and makes schooling compulsory for children between the ages of 7 and 15 years or a total of nine years. The act prohibits public schools from refusing admission to any student on the grounds that his/her parent is unable to pay or has not paid school fees. The National Education Policy Act (1996) also prohibits schools from denying admission or otherwise discriminating against a student for not paying school fees.[1662]

The South African Qualifications Authority Act (1995) provides for the establishment of an integrated national framework for learning achievements in order to enhance access to, as well as mobility and progression within, the educational system. It further aims to enhance the quality of education and training and accelerate the redress of past discrimination in education, training, and employment opportunities.[1663] The Admission Policy for Ordinary Public Schools 1998 strives to improve the internal efficiency of the education system by curbing the high repetition

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[1659] Interview with Suohilla Leslie, national program manager, South African National Council for Child Welfare, July 27, 2000.

[1660] Ibid.

[1661] South Africa National Council for Child and Family Welfare, *Report on the Commercial Sexual Exploitation of Children in South Africa*, June 9, 2000, 4.

[1662] *Convention on the Rights of the Child* at 84.

[1663] *South African Assessment Report* at 10.

rate of students. It places the onus on schools to place learners who are above the "normal" age for a grade in a "fast-track facility" to help bring them in line with their peers.[1664]

The government is attempting to achieve racial equity and redress past discrimination in the country's educational system through reforming expenditure patterns and reallocating funds to poorer provinces and to predominantly black schools rather than just expanding the budget.[1665] In 1998, the government announced new funding norms for schools to further these goals. The new procedures require education departments to direct 60 percent of their non-personnel and non-capital recurrent expenditures towards the most deprived 40 percent of schools in their provinces. The most endowed 20 percent of schools are to receive 5 percent of the resources, and all students are to receive a minimum package of teaching and learning materials. The National Curriculum 2005 Framework has helped bridge the gap in educational opportunities between privileged and under-privileged children by more equitably providing learning support materials to all schools and standardizing the content of training courses for teachers in all districts.[1666]

In 1994, the Reconstruction and Development Program (RDP) set education goals and proceeded to fund several major education initiatives.[1667] As part of the RDP, the president established the National School Building Programme in 1994 in order to address the backlog of school facility construction needs. Between 1994 and 1996, 1.3 billion *rand* (US$140 million) was allocated to school building and rehabilitation, with a goal of building 10,000 new classrooms by 1999.[1668] The rate of implementation has varied from province to province. Most provinces have concentrated on providing a physical plant for every school.[1669]

The Ministry of Education launched the Culture of Learning, Teaching and Service Campaign (COLTS) in 1998 in order to develop a culture of learning, teaching and service that improves the delivery and quality of education. Among the objectives of the COLTS Campaign is to encourage parental participation in institutions of learning and to create a safer learning environment. The COLTS Directorate of the Department of Education coordinates the Campaign, which is implemented through various projects such as the Yizo Yizo Media Campaign, Creative Arts Initiative, and the Parental Involvement Project.[1670]

The National Early Childhood Development (ECD) Pilot Project was launched in 1997 to conduct research and develop systems and models to ensure children have improved access to quality education programs. The ECD Pilot Project has reached 2,800 nongovernmental early childhood learning sites serving approximately 70,000 of the most disadvantaged.[1671]

[1664] Ibid.

[1665] Ibid. at 26-27.

[1666] *Implementation of the Convention* at 45.

[1667] "Education: Achieving Equality?" *Indicator South Africa: A Barometer of Social Trends*, June 17, 2000, 40 [hereinafter "Education: Achieving Equality?"].

[1668] *South African Assessment Report* at 19.

[1669] Ibid. at 20.

[1670] Ibid. at 18-19. See also *Convention on the Rights of the Child* at 87.

[1671] *South African Assessment Report* at 20-21.

South Africa has adopted Outcomes-Based Education (OBE) that is learner-centered and oriented towards results and outcomes.[1672] This new pedagogical approach has been developed into a curriculum framework for learning at school level, referred to as "Curriculum 2005." The Department of Education launched the framework in April 1997, phased it into grade 1 in 1998 and into grade 2 in 1999. Curriculum 2005 was to be phased into grades 3-7 in 2000.[1673]

The government hopes to reduce the percentage of government expenditure on education that goes to personnel costs to 85 percent by 2005, freeing up additional funds for equipment, school supplies, and other materials.[1674] A shortage of learning materials has been cited as one of the most common problems with the current educational system.[1675]

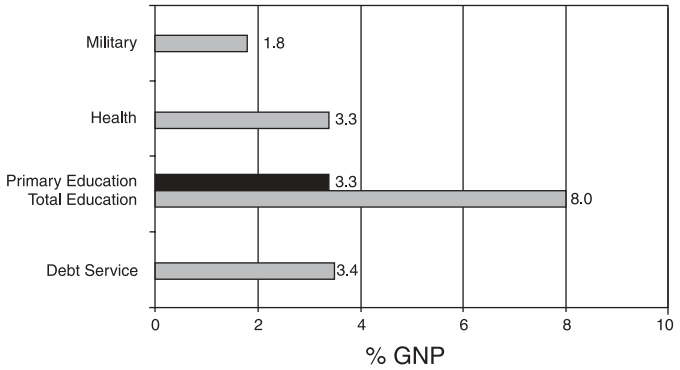
From 1991 to 1996, the government increased its expenditures on education by 89 percent.[1676] After 1996, government expenditures on education continued to increase but at a much lower rate. In 1995-96, the total expenditure on education was 33,516,495 *rand*, or 21.7 percent of the total government budget and 6.7 percent of gross domestic product (GDP).[1677] The estimated total expenditure in 1999-2000 was 46,840,692 *rand*, or 21.3 percent of the total government budget and 6.6 percent of GDP.[1678]

[1672] Ibid. at 21.
[1673] Ibid.
[1674] Ibid. at 33.
[1675] "Education: Achieving Equality?" at 42.
[1676] *South African Assessment Report* at 26.
[1677] Ibid. at 32.
[1678] Ibid.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1679]

Selected Government Expenditures as a Percentage of South Africa's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1679] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

TANZANIA

1. Child Labor in Tanzania

In 1998, the International Labor Organization (ILO) estimated that 37.9 percent of children between the ages of 10 and 14 in Tanzania were working.[1680] A child labor survey conducted in 2001 by the Tanzania Ministry of Labor, Youth Development and Sports in cooperation the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) estimated that 39.5 percent (4.8 million) children between the ages of 5 and 17 in Tanzania were working, 40 percent of working children were boys and 39 percent of working children were girls.[1681] Approximately 27 percent of working children are between the ages of 5 and 9, and 44 percent are between the ages of 10 and 14.[1682] Thirty-four percent of rural children were working, compared to 11 percent of urban children who worked.[1683] Forty-eight percent of working children also attended school.[1684]

Children in Tanzania work on tea, coffee, sugar cane, and tobacco plantations as well as in the production of cloves, corn, green algae (seaweed), pyrethrum, rubber, sisal, and wheat.[1685] On farms, children often perform tasks, such as spraying agrochemicals, usually without the appropriate protective gear.[1686] Children working in agriculture are also vulnerable to health hazards.[1687]

In mining regions, children are employed to work in surface and underground tanzanite mines. Some children (typically boys) known as "snakes," crawl through narrow tunnels to help

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[1680] *World Development Indicators 2000.*

[1681] Statistics on the number of working children refer to "usual" work activities for children who worked during the 12-month reference period. *See* "Labour Force Survey Preliminary Results (Quarter 1)," *Time-Bound Program: Tanzania, RAP Reports* (Tanzania; ILO-IPEC, 2001) [CD-ROM] [hereinafter *Time-Bound Program: Tanzania*]. Statistics on the number of working children refer to "current" work activities for children who worked during the last week of the reference period. The number of children who were currently working was 3.4 million. See *Time-Bound Program: Tanzania*. See also ILO-IPEC, *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour* (Geneva, 2001) [hereinafter *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour*].

[1682] Statistics on the number of working children refer to "current" work activities for children who worked during the last week of the reference period. The number of children who were currently working was 3.4 million. See *Time-Bound Program: Tanzania*. See also ILO-IPEC, *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour* (Geneva, 2001) [hereinafter *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour*].

[1683] *Time-Bound Program: Tanzania.*

[1684] Ibid.

[1685] *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (U.S. Department of Labor, Bureau of International Labor Affairs, 1998), 165 [hereinafter *Efforts to Eliminate Child Labor*].

[1686] *Situation Analysis Report on Hazardous Child Labor in the Three Sectors: Plantations and Agriculture, Domestic and Allied Workers Union, and Tanzania Mining and Construction Workers Union* (Dar es Salaam, Tanzania Federation of Free Trade Unions, ILO-IPEC, 1997), 14 [hereinafter *Situation Analysis Report*].

[1687] Hossea Rwegoshora, *Hazardous Child Labor in Tanzania: A Case Study of Selected Worksites in the Agricultural, Mining and Informal Sectors* (Dar es Salaam, Tanzania: Child Labor Unit, Ministry of Labor and Youth Development, 1996).

position mining equipment and ignite and assess the effectiveness of explosions.[1688] Children in underground mines work in extreme heat and are exposed to high noise levels. Children in mines are more prone to stress, cataracts, burns, and hearing loss than adults.[1689] Many suffer from chest pains, tuberculosis, respiratory diseases, and other illnesses due to exposure to harmful mineral residue.[1690]

Children, primarily girls from rural areas, work as domestic servants, often working an average of 18 hours per day.[1691] On average child domestic workers receive Tsh 6000 (US$6.41) per month, since employers frequently deduct the cost of room and board.[1692]

Children in urban areas work as barmaids, street vendors, car washers, shoe shiners, carpenters and auto repair mechanics.[1693] Children in skilled crafts, carpentry and mechanic work often receive minimal pay while working as apprentices.[1694] Girls as young as 9 years old are engaged in prostitution.[1695] There are estimated to be at least 800 children in prostitution in Arusha, Dar es Salaam, and Singida alone.[1696]

According to UNAIDS, over 650,000 children under the age of 15 were living as orphans in 1999, due to the country's AIDS epidemic.[1697] Many HIV/AIDS orphans leave school prematurely and become involved in some of the worst forms of child labor.[1698]

2. Children's Participation in School

In 1996, the gross primary attendance rate was 78.1 percent and the net primary attendance rate was 51.3 percent.[1699] According to Tanzania's child labor survey, over 4 million of Tanzania's 10 million children between the ages of 5 and 14 did not attend school in 2000.[1700]

[1688] *Situation Analysis Report* at 10.
[1689] *Situation Analysis Report* at 10.
[1690] Ibid. at 14.
[1691] *Situation Analysis Report* at 14.
[1692] Ibid.
[1693] *Efforts to Eliminate Child Labor* at 165.
[1694] International Labor Office, *Child Labour in Tanzania* (Geneva, 1992), 12.
[1695] Alakok Mayombo, Tanzania Media Women Association (TAMWA), "Rights—Tanzania: Children Drawn into Sex Trade," Associated Press, April 27, 1998, as cited in *Factbook on Global Sexual Exploitation* (Amherst, Massachusetts: Coalition Against Trafficking in Women, 1999).
[1696] Ibid.
[1697] United Republic of Tanzania: Epidemiological Fact Sheets on HIV/AIDS and sexually transmitted infections (UNAIDS/WHO, 2000), 3.
[1698] Integrated Regional Information Network, "Tanzania: One Million AIDS Orphans by 2000," June 17, 1999.
[1699] USAID, GED 2000: Global Education Database [CD-ROM], Washington, D.C.,2000, at http://www.usaid.gov/educ_training/ged.html.
[1700] Yaw Ofosu, *The Dynamics of Child Labour in Tanzania* (Geneva: ILO-IPEC, 2001), 1.

Throughout Tanzania, the growing incidence of HIV/AIDS infection is placing an additional burden on an already strained education system, contributing to an increase in teacher turnover, loss of experienced teachers, and orphans with special needs.[1701]

3. Child Labor Law and Enforcement

The Employment Ordinance of 1956 states that children under the age of 15 are restricted from using or working in the vicinity of machinery or engaging in any subsurface work that is entered by means of a mine shaft.[1702] The Ministry of Energy and Minerals has also instituted standard regulations to ensure that children under 16 years are not involved in mine work.[1703]

Employers are obliged under the Employment Ordinance of 1956 to keep registers that indicate the age of workers, working conditions, the nature of employment and commencement and termination dates.[1704] The Employment Ordinance also states that any employer found to be in violation of the minimum age of employment law is subject to a fine and/or three months imprisonment.[1705] If the employer is found to be in subsequent violation, the penalty will be a fine and or six months imprisonment. Currently the fine charged by the labor inspectorate is Tsh 2,000 to 4,000 (approximately US$2.14 to 4.28).[1706]

The Sexual Offences Special Provisions Act of 1998 criminalizes child sexual assault or abuse, and the Penal Code prohibits procuring a female under the age of 21 for prostitution.[1707]

The Ministry of Labor and Youth Development (MLYD) has primary responsibility for enforcing laws against child labor; however, other agencies also have jurisdiction over areas which affect child labor. A Child Labor Unit within the Ministry of Labor Youth and Development (MLYD) serves as a liaison between the various government ministries and stakeholders. It is responsible for child labor related projects, conducts the child labor component of the labor inspector training, and gathers and disseminates data on child labor.[1708]

[1701] "IPEC Country Profile: United Republic of Tanzania," fact sheet from *Eliminating the Worst Forms of Child Labor: An Integrated Time-Bound Approach* (Geneva: ILO-IPEC, 2001).

[1702] The relevant Cap. 366, Section 77, provisions are in *Report of the Commission on the Law Relating to Children in Tanzania* (Dar es Salaam: The Law Reform Commission of Tanzania, 1996), 131.

[1703] International Program for the Elimination of Child Labor, Tanzania, "Time-Bound Program on the Worst Forms of Child Labor in Tanzania: Summary of the Institutional and Policy Study," National Roundtable Discussion on the Time-Bound Program on the Worst Forms of Child Labor, Dar es Salaam, April 23-25. 2001, 12 [hereinafter Program for the Elimination of Child Labor].

[1704] *Report of the Commission on the Law Relating to Children in Tanzania* (Dar es Salaam: The Law Reform Commission of Tanzania, 1996), 131. *See* Cap. 366, Section 85.

[1705] Ibid. at 132, Part VII, Section 94.

[1706] Ibid. at 132. Currency conversion at http://www.carosta.de/frames/convert.htm on 3/20/02.

[1707] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), [hereinafter *Country Reports – Tanzania*]. See also *Human Rights Reports: Tanzania*, Protection Project Database, at www.protectionproject.org.

[1708] Program for the Elimination of Child Labor at 12.

The Government of Tanzania ratified International Labor Organization (ILO) Convention No. 138 on the Minimum Age for Employment on December 16, 1998, and ILO Convention No. 182 on the Worst Forms of Child Labor on September 12, 2001.[1709]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In March 1994, Tanzania signed a Memorandum of Understanding with the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC). Since 1995, 40 action programs have been implemented by ILO-IPEC, through various social partners. These action programs have sought to build institutional capacity, raise public awareness, and mobilize local communities. The programs have also aimed to withdraw children from hazardous work and reintegrate them into schools and vocational skills training. In addition, the programs assist parents of former working children in identifying income generating alternatives to help reduce their reliance on income earned by their children.[1710]

In 2000, ILO-IPEC with funding from the U.S. Department of Labor launched a three-year regional project (including in Kenya, Malawi, Tanzania, Uganda, and Zambia) to build institutional capacity and prevent children from entering child labor in commercial agriculture. The project seeks to remove and rehabilitate 7,500 children engaged in exploitative work in this sector in the five countries and prevent a further 15,000 at-risk children from entering such work in the first place. To enhance the effectiveness and sustainability of this program, ILO-IPEC is utilizing the Community Child Labor Committees for efforts aimed at monitoring, preventing, and eliminating child labor.[1711]

The Government of Tanzania, local government actors and civil society organizations have incorporated child labor issues into their activities. Labor inspectors from the Ministry of Labor, Youth Development and Sports now report and take actions against child labor as a regular task of the labor inspectorate division.[1712] At the community level, Child Labor Monitoring Committees have been established which identify and monitor cases of child labor and work to implement by-laws, directives, and collective bargaining agreements regarding child labor, to allow community based actions to precede federal legislative reform.[1713] Community initiatives to increase enrollment and retention rates at the primary school level have resulted in a decrease in the incidence of child labor.[1714] Community-based task forces and peer group clubs also play a role in activities aimed at preventing and rehabilitating children in prostitution.[1715]

[1709] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1710] *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour*, 14.

[1711] ILO-IPEC, *Prevention, withdrawal and rehabilitation of children engaged in hazardous work in the commercial agricultural sector in Africa*, Programme Document (Geneva: ILO-IPEC, 2000), 6-7.

[1712] *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour*, 14.

[1713] *Time-Bound Program: Tanzania*, 18.

[1714] *ILO-IPEC Tanzania: Focusing on the Worst Forms of Child Labour*, 14.

[1715] Ibid. at 15.

Various trade unions, the Tanzania Federation of Trade Unions, and the Association of Tanzania Employers (ATE) have also worked with ILO-IPEC. The efforts of ATE to sensitize owners and managers of sisal, tea, and coffee plantations to child labor issues have helped plantation owners and managers to become active collaborators in designing measures to prevent child labor on plantations.[1716] Trade unions have also initiated local community actions to prevent child labor and to withdraw children from hazardous worksites through collective bargaining arrangements with employers and dialogue with community leaders.[1717] The Tanzania chapter of the African Network has worked with 800 children to stage awareness raising street theatre performances about exploitive child labor in the hopes of preventing child labor on plantations.[1718]

In June 2001, the Government of Tanzania announced that it would initiate an ILO-IPEC Time-Bound Program, a comprehensive, national project to eliminate the worst forms of child labor over a certain period of time. During Phase 1 of the time bound project, Tanzania will focus on eliminating child labor in the commercial sex sector, mining, abusive forms of domestic work and commercial agriculture by 2010.[1719]

b. Educational Alternatives

Education in Tanzania is compulsory for seven years, until the age of 15; however, education is not free, and costs include enrollment, books, and uniforms.[1720]

Since 1990, the Government of Tanzania has collaborated with donors and various civil society and district level actors to increase access to and quality of education. In 1991, national and district level government representatives, nongovernmental organizations (NGOs), community-based organizations, religious institutions and private individuals who own schools set up a Task Force on the Education System for the 21st Century, to improve equitable access to a quality education, and since then have been working on reforming the country's educational system.[1721] In 1996, the Government of Tanzania published the blueprint for education reform, the Basic Education Master Plan 1997-2002 (BEMP), to coordinate the activities of the various institutions involved in education reform.[1722]

[1716] Ibid. at 14.

[1717] Ibid. at 18.

[1718] *Child Labour in the Tobacco-Growing Sector in Africa: Report Prepared for the IUF/ITGA/BAT Conference on the Elimination of Child Labour*, Eldring, Nakanyane & Tshoaedi, Nairobi, Kenya, October 8-9, 2000, 68.

[1719] *See* "Special High-Level Session on the Launch of the Time-Bound Programme on the Worst Forms of Child Labour, Address of Mr. Benjamin Mkapa, president of the United Republic of Tanzania," in *International Labour Conference, Provisional Record, Eighty-Ninth Session*, June 12, 2001, Geneva.

[1720] *Country Reports – Tanzania*, at Section 5.

[1721] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Tanzania (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Tanzania*]; *see also* Education for All (EFA) 2000, Country Report, Tanzania [online] (www2.unesco.org/wef/countryreports/country.html) [hereinafter EFA 2000].

[1722] Ibid.

The BEMP sought to achieve universal access to basic education and increase primary school gross enrollment to 85 percent by the year 2000.[1723] A related BEMP goal was to ensure that at least 80 percent of children complete primary education by the age of 15.[1724]

The Ministry of Education and Culture, with support from UNICEF, has launched a three-year program to help reintegrate children who have dropped out of the system into schools and has made it illegal to expel students because of pregnancy.[1725] The Ministry of Education has also launched a Community Education Fund, with World Bank support, to improve the condition of schools, and is working independently with districts to develop new and relevant curricula. ILO-IPEC is supporting Ministry of Education efforts to improve pre-primary education and the German Technological Assistance Agency (GTZ) is supporting an initiative to improve vocational education.[1726]

In 1997, Tanzania became one of the first nations to join ILO-IPEC's Action Against Child Labor through Education and Training Project. The project mobilized teachers, educators and their organizations and the general public to launch campaigns against child labor at local and national levels.[1727]

In 1998/99, the Government of Tanzania allocated 24.2 percent of its total budget to education, and according to the BEMP it will allocate 25 percent of the total budget for education every year to cover operating costs to maintain the current infrastructure (recurrent spending).[1728] In 1997/98, the government allocated 68.4 percent of the education budget to primary education, and according to the BEMP the government plans to allocate 70 percent of the recurrent education expenditure to basic education.[1729]

[1723] *Education for All: Year 2000 Assessment—Tanzania*; *see also* EFA 2000.

[1724] "Debt for Poverty Reduction: The Case of Education in Tanzania," Oxfam International Position Paper, April 1998 (www.oxfam.org.uk/policy/papers/tanzdebt/education.htm#plan).

[1725] *RAP Reports*.

[1726] Ibid.

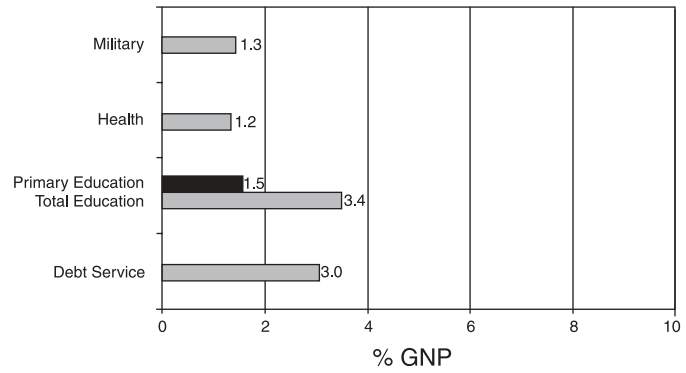
[1727] *Action Against the Worst Forms of Child Labour through Education and Training,* outline paper (Geneva: International Labor Office, International Program on the Elimination of Child Labor, January 1999), 7.

[1728] *Education for All: Year 2000 Assessment—Tanzania*; *see also* EFA 2000.

[1729] Ibid.

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of gross national product (GNP). The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1730]



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1730] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

THAILAND

1. Child Labor in Thailand

According to the International Labor Organization's (ILO) database on the *Economically Active Population*, 13.8 percent of children between the ages of 10 and 14 in Thailand were working in 1998, down from 16.2 percent in 1995.[1731] In 1999, the ILO's *Yearbook of Labour Statistics* indicated that 8.6 percent (191,400) of children ages 13 to 14 were in the labor force.[1732]

Children work in many sectors and are exposed to a variety of hazards in Thailand. In agriculture, children are frequently exposed to hazardous pesticides and other chemicals.[1733] In the construction sector, children dig and carry heavy loads.[1734] In the fishing sector, they work with sharp knives while preparing seafood.[1735]

Many children also work as domestic servants outside of the protections of the country's labor laws. Migrant children who work as domestic servants are often at increased risk of abuse because they face cultural and/or language barriers.[1736] A 1998 report observed that Cambodian

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[1731] *World Development Indicators 2000*. While the number of working children may have decreased in Thailand over the past decade, statistics from 1995 suggest that those children who are working do so for more hours per day and that more of them work seven days a week. For a discussion of child labor in Thailand in the 1990s, *see* Zafiris Tzannatos, *Child Labor and School Enrollment in Thailand in the 1990s*, SP Discussion Paper No. 9818 (Washington, D.C.: The World Bank Social Protection Group, December 1998), 7-8 [hereinafter *Child Labor and School Enrollment*]. Some researchers have attributed the drop in child labor partly to the impact of the Asian crisis on Thailand's economy. The Asian crisis, also known as the East Asian crisis or the Asian financial crisis, began in mid-1997 as a currency crisis in Thailand that severely impacted the economies of five countries (Thailand, Indonesia, the Philippines, Malaysia and the Republic of Korea). *See*, for example, Dilip K. Das, *Asian Crisis: Distilling Critical Lessons*, U.N. Conference on Trade and Development, Working Paper No. 152 (December 2000). The Asian crisis caused factories to close and jobs to become scarce, which may have decreased demand for the labor of children. *See* U.S. Embassy-Bangkok, unclassified telegram no. 006420, September 18, 2000 [hereinafter unclassified telegram 006420]. The full impact of the crisis on child labor, however, is not yet known. Some reports suggest that the incidence of child labor may actually have increased due to the crisis. See *Human Development Report of Thailand 1999* (Bangkok: United Nations Development Program, 1999), 142-43 [hereinafter *Human Development Report*].

[1732] *Yearbook of Labour Statistics 2000* (Geneva: ILO, 2000), Table 1A.

[1733] *Xinhua English Newswire*, "Thailand to Ratify U.N. Convention to Eliminate Child Labor," November 15, 2000. *See also* interview with Simon Baker and Sudarat Sereewat, Secretary General of FACE Coalition to Fight Against Child Exploitation, by U.S. Department of Labor official, October 26, 2000, for information on children's involvement in agricultural production.

[1734] ILO-IPEC, *The Situation of Child Labour in Thailand: An Overview* (Bangkok, 1996), 7-8, as cited in *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998), 35 [hereinafter *Efforts to Eliminate Child Labor*].

[1735] Kerry Richter and Orathai Ard-am, *Child Labor in Thailand's Fishing Industry* (Salaya: Institute for Population and Social Research, Mahidol University, 1995), 18-19, as cited in *Efforts to Eliminate Child Labor* at 22.

[1736] Historically, work in the domestic service sector was a means of providing patronage to poorer relatives or poor children in return for housework. *See* "Behind Closed Doors: Child Domestic Workers, the Situation and the Response," in *Child Workers in Asia* (www.cwa.tnet.co.th/domestic/pages40-42.htm), 40-42. *See also* interview with Dr. Lae Dilokvidhyarat, director of Labor and Management Development Center of Chulalongkorn University, by U.S. Department of Labor official, October 26, 2000.

children regularly cross the border with Thailand to work as domestic servants or as porters.[1737] Cambodian children were also found working in the Thai fishing industry, peeling shrimp and sorting the catch, sometimes along with their families. Migrant working children rarely have access to education.[1738]

Children are reported to be involved in the trafficking of drugs in Thailand, particularly amphetamines.[1739] There is also growing concern that the use and trafficking of drugs may contribute to an increase in prostitution among children. One NGO working in northern Thailand estimated that 90 percent of girls engaged in prostitution use drugs.[1740] According to 1994 estimates from Thailand's Office of the National Commission on Women's Affairs, between 22,500 and 40,000 children are involved in the country's commercial sex industry.[1741]

Thailand is often described as a "regional hub" for trafficking in persons. It is known as a source, destination and transit country for trafficking victims.[1742] Reports from domestic nongovernmental organizations (NGOs) indicate that girls aged 12 to 18 are trafficked from Burma, China and Laos to work in Thailand in the commercial sex industry, some in conditions of debt bondage. In some cases, children must work to repay advances given by a trafficker to a parent.[1743] Children are also trafficked into Thailand to work as beggars or in areas such as agriculture, fishing, factories, or construction.[1744]

2. Children's Participation in School

Primary school attendance rates are unavailable for Thailand. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.[1745] In 1997, net primary school enrollment was 88 percent, and gross primary school enrollment was similar at 88.9 percent.[1746] In 1996, approximately 96.7 percent of primary

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[1737] Ratjai Adjayutpokin, Gaysorn Chanya and Piyaphan Chanya, *Survey Report on Cambodian Migrant Working Children* (Radda Barnen and Child Workers in Asia, 1998), 1-2, n.p. [document on file].

[1738] Ibid.

[1739] Dr. Somphon Chitradub, *Child Labour in the Trafficking of Drugs in Thailand: An ILO-IPEC Southeast Asia Paper* (Bangkok: ILO-IPEC, 1999), 2-3.

[1740] Chakrapand Wongburanavart, *Good Practice in Information Exchange: Country and International Cases—Thailand*, report by the director of Thai Women of Tomorrow at the Regional Forum on Strengthening Information Exchange on Intolerable Forms of Child Labor, Bangkok, July 19-21, 1999, 41-42.

[1741] Estimates of children working in prostitution vary greatly. Herve Berger and Hans van de Glind, *Children in Prostitution, Pornography and Illicit Activities: Thailand* (Bangkok: ILO-IPEC, August 1999), 7.

[1742] *UN Wire*, "Trafficking: U.N. Conference Pushes for New Protocol," September 7, 2000.

[1743] *Country Reports on Human Rights Practices for 2000* (Washington, D.C.: U.S. Department of State, 2001), Section 6f [hereinafter *Country Reports 2000—Thailand*].

[1744] *Bangkok Post*, "Fresh Hope for Child Laborers," November 19, 2000. *See also* Ratjai Adjayutpokin, Gaysorn Chanya and Piyaphan Chanya, *Survey Report on Cambodian Migrant Working Children* (Redd Barna and Child Workers in Asia, 1998), 1. For a recent report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children below the age of 18, see *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan* (Washington, D.C.: Human Rights Watch, Asia/Women's Rights Divisions, September 2000).

[1745] For a more detailed discussion on the relationship between education statistics and work, *See* Chapter 1, Introduction.

[1746] *World Development Indicators 2000* [CD-ROM] (Washington, D.C.: World Bank, 2000).

school-aged children reached grade five.[1747] Of the 1.6 million children under the age of 16 who are not in school, most (1.2 million) are between the ages of 12 and 14.[1748] In 1998, an estimated one-third of the 800,000 children who dropped out of school did so for economic reasons during the Asian financial crisis.[1749]

Direct costs, such as uniforms and school supplies, are a significant factor deterring some families from sending their children to school.[1750] In 1998, over 8 percent of children ages 6 through 11 (approximately 600,000 children) were unable to receive an education due to various reasons, such as living in remote rural areas or being otherwise disadvantaged such as children living on the streets or in slums.[1751]

3. Child Labor Law and Enforcement

Thailand's Labor Protection Act of 1998 (Section 44) sets the legal minimum work age at 15. Employers are required to notify labor inspectors if children under age 18 are hired, and the law restricts the number of hours that children ages 15 to 18 may work per day and prohibits work after 10 p.m. Children under age 18 may not be employed in hazardous work, which is defined by the Labor Protection Act to include any work that involves hazardous chemicals, harmful temperatures or noise levels, exposure to toxic micro-organisms, driving heavy equipment, and working underground.[1752] The maximum penalties for violation of the child labor laws contained in the Labor Protection Act are up to one year imprisonment and fines of up to 200,000 baht (roughly US$4,500). According to Section 22, however, the act may not cover work in the agricultural and fishing sectors or work in the family home.[1753]

The Prostitution Prevention and Suppression Act of 1996 prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 19. Fines and terms of imprisonment are defined under the act based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16. Individuals who engage in prostitution with children ages 16 to 18 are liable for jail terms of 5 to 15 years and fines of 100,000–300,000 baht (approximately US$2,225 to US$6,675); the range of penalties is nearly twice as much for those patronizing children ages 15 and under. If fraud or coercion on the part of the patron is involved, penalties also increase. Owners, managers, and

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[1747] UNESCO Institute for Statistics [CD-ROM], *Education for All 2000 Assessment—A Decade of Education*, Thailand (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Thailand*].

[1748] *Child Labor and School Enrollment.* The period of the Asian Crisis corresponded with rising dropout rates at both the primary and secondary levels, with the majority of lower secondary school dropouts coming from families whose parent(s) lost work due to the economic downturn. *Human Development Report* at 136.

[1749] *Committee on the Rights of the Child: Summary Record of the 491st Meeting*, Thailand, October 1, 1998, U.N. Document No. CRC/C/SR.491 (Summary Record) (Geneva, October 5, 1998), Point 12.

[1750] Education for All (EFA) 2000 [online], Country Report, Thailand, Section 1.2, "Problems of Education in Thailand" (www2.unesco.org/wef/countryreports/thailand/rapport_1) [hereinafter EFA 2000].

[1751] Ibid. at Section 4.1.5.

[1752] Labor Protection Act of 1998, as translated in the ILO NATLEX database (http://natlex.ilo.org/txt/E98THA01.htm#c17), Section 49; *see also* Sections 22, 44-52, 148.

[1753] Ibid.

supervisors of prostitution businesses or establishments, 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. Government officials in violation of the act face penalties of 15 to 20 years imprisonment and/or substantial fines ranging between 300,000–400,000 baht (US$6,675 to US$8,900).[1754]

The Prevention and Suppression of Trafficking in Women and Children Act of 1997 increased both the trafficking penalties and provisions for the search for and assistance to victims.[1755] The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.[1756] The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who are either convicted of trafficking or who work in prostitution.[1757]

Four government agencies are responsible for enforcing child labor laws: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the Ministry of Labor and Social Welfare (MOLSW). MOLSW's Department of Labor Protection and Welfare employs several specific enforcement tools to deal with child labor, such as regulations for "speedy and strict" inspection of establishments that are suspected of using child labor.[1758] The MOLSW has also created a program to certify export industries that includes mandatory inspections.[1759]

The MOLSW has about 800 labor inspectors in Thailand.[1760] Labor inspectors are trained on the Labor Protection Act and on how to gather evidence and investigate child labor cases.[1761] Both general inspections and complaint-driven inspections are conducted, and inspecting officers have the right to remove child workers from businesses and place them under the temporary care of the government prior to court decisions on the cases.[1762]

In practice, the labor inspection system tends to be more reactive than proactive. Enforcement of child labor laws is reportedly not rigorous, with inspectors usually responding to public complaints or newspaper reports rather than random inspections. Rather than seeking prosecution and punishment, labor inspectors are known to negotiate with violators to obtain promises of better conduct in the future.[1763] The MOLSW tends to focus its inspection efforts on larger factories in an effort to reach the largest portion of the workforce, with relatively fewer

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[1754] Prevention and Suppression of Prostitution Act B.E. 2539 (1996), as translated in the ILO NATLEX database (http://natlex.ilo.org/txt/E96THA01.htm), Sections 8-12.

[1755] The Prevention and Suppression of Trafficking in Women and Children Act of 1997, as cited in *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), 1306 [hereinafter *Country Reports 1999—Thailand*].

[1756] The Penal Code Amendment Act (no. 4) of 1997, as cited in *Domestic Efforts to Strengthen the Enforcement of Child Labour and Education Laws, and Changes in Domestic Child Labour and Education Laws,* submission by the Ministry of Labor to U.S. Embassy—Thailand (September 2000), 6.

[1757] The Money Laundering Act of 1999, as cited in *Country Reports 1999—Thailand* at 1306.

[1758] Unclassified telegram 006420.

[1759] Ibid.

[1760] *Country Reports 2000—Thailand* at Section 6d.

[1761] Unclassified telegram 006420.

[1762] Ibid.

[1763] *Country Reports 1999—Thailand* at 1305.

inspections of smaller workplaces where child labor may more easily go unnoticed. The MOLSW conducted 44,462 inspections in fiscal year 1999, resulting in 810 cited violations of child labor laws. Seventy-six establishments were officially warned, although only four were fined. The largest fine was for 10,000 baht (approximately US$250).[1764]

The Government of Thailand ratified ILO Convention No. 182 on the Worst Forms of Child Labor on February 16, 2001.[1765]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

As early as 1982, the government established the Child Labor Protection Committee, composed of representatives from industrial organizations, labor unions and child labor experts, to create policy suggestions and to draft child labor laws.[1766] In 1992, Thailand became a member of the ILO's International Program on the Elimination of Child Labor (ILO-IPEC).[1767]

In 1996, the government adopted a National Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children.[1768] Thailand's Eighth National Economic and Social Development Plan (1997-2001) also contains special measures related to child labor and prostitution.[1769]

In 1997, MOLSW developed the National Child Labor Prevention and Solution Plan (1997-2001). With input from NGOs and international organizations, the plan outlined factors contributing to the incidence of child labor, reported on existing child labor statistics, described relevant laws, and outlined various short-term and long-term measures to reduce child labor.[1770]

MOLSW's Department of Labor Protection and Welfare has established a hotline for individuals to report incidences of child labor. The department has also initiated a public awareness campaign that focuses on providing information about child labor laws, encouraging reporting, and promoting guidelines for education on labor laws in schools.[1771]

[1764] Unclassified telegram 006420.

[1765] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1766] Unclassified telegram 006420.

[1767] Chantana Banpasirichot, *The Situation of Child Labour in Thailand: An Overview*, IPEC Thailand Papers No. 1 (Chulalongkorn University and ILO-IPEC, December 1996),16 [hereinafter *The Situation of Child Labour in Thailand*].

[1768] U.S. Embassy-Bangkok, unclassified section 01 of 03, Bangkok telegram no. 007225, June 2, 1999 [hereinafter unclassified telegram 007225].

[1769] *Concluding Oservations of the Committee on the Rights of the Child: Thailand*, October 26, 1999, U.N. Document No. CRC/C/15/Add.97 (Concluding Observations/Comments), Geneva: October 26, 1998, Point 5.

[1770] ILO-IPEC, *National Child Labour Prevention and Solution Plan, 1997-2001* [translation] (Bangkok: Ministry of Labour and Social Welfare, April 1997).

[1771] Unclassified telegram 006420.

In February 2000, MOLSW's Department of Public Welfare created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-Region. The Secretariat contains a national project committee to coordinate with government agencies and NGOs focused on anti-trafficking and to address the issues related to trafficked women and children.[1772]

Thailand is also currently involved in an ILO-IPEC Sub-Regional Project in the Mekong to combat trafficking of children and women for exploitative labor. This three-year initiative aims to comprehensively address trafficking through awareness raising and advocacy, participatory community development projects, and capacity building at all levels of society.[1773] Many other activities to address child labor are ongoing through the actions of NGOs in areas such as education and training, health care, and other social services.[1774]

The Department of Social Welfare has taken steps to address the plight of children in need, establishing shelters for street children in Thailand.[1775] During the Asian Financial Crisis, the MOLSW provided free occupational training and small daily stipends to women and children who were unemployed due to the economic conditions.[1776]

b. Educational Alternatives

The Primary Education Act of 1980 made education compulsory for children between the ages of 8 and 15, or until the successful completion of grade six.[1777] The National Education Act of 1999, which will take effect in 2002, extends this compulsory period to nine years of schooling.[1778] The government has focused, over the period of 1990-99, an average of 44 percent of the total education budget to primary education in recognition that it is compulsory and will provide a strong basic foundation for students.[1779]

The Thai Government, NGOs, and international financial institutions support a number of innovative education initiatives. A Ministry of Education program, initiated in 1994, provided a total of 145,000 scholarships through mid-2000 to girls at risk of prostitution or other disadvantaged girls in order to continue their secondary education. The project also supported the development of a targeted education module for at-risk girls, provided counseling and guidance to students and their mothers, and assisted selected students to stay in boarding schools while receiving their education.[1780] More recently, a scholarship program to assist children whose families were impoverished by the economic downturn, partly funded by the

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[1772] Ibid.

[1773] "ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women," International Labor Organization (Bangkok: ILO, n.d.) [document on file].

[1774] *The Situation of Child Labour in Thailand* at 24-27.

[1775] Unclassified telegram 006420.

[1776] Unclassified telegram 007225.

[1777] *Education for All: Year 2000 Assessment—Thailand* at Section 4.1.3.

[1778] Ibid. at Part I, "Introduction."

[1779] Ibid. at Section 2.4.1.

[1780] Savitri Suwansathit, Inspector-General, Ministry of Education in Thailand, "Advancing the Global Cause Against Child Labor: Progress Made and Future Actions" [draft], speech delivered at the U.S. Department of Labor conference, Washington, D.C., May 17, 2000.

Asian Development Bank, reached 140,000 students, most of whom were at risk of entering the sex trade due to their economic status.[1781] An NGO-run initiative called the "Daughters Education Program" provides support for primary and secondary education and vocational training to young girls at risk of prostitution or of being drawn into exploitative labor in northern Thailand.[1782] In 1999, the United Nations Children's Fund (UNICEF) began a program to provide scholarships and raise awareness among school dropouts and their families to encourage children to return to school.[1783]

Spending by the Thai Government on education as a percentage of gross national product (GNP) has ranged from 3.6 percent in 1990 and 1991 to 4.8 percent in 1996.[1784] Public spending dedicated to primary education as a percentage of GNP has ranged from 1.42 percent in 1990 to 1.68 percent in 1996.[1785]

[1781] Unclassified telegram 006420. See also *Education for All: Year 2000 Assessment—Thailand* at Section 2.4.1.

[1782] DEPDC website (http://www.depdc.org).

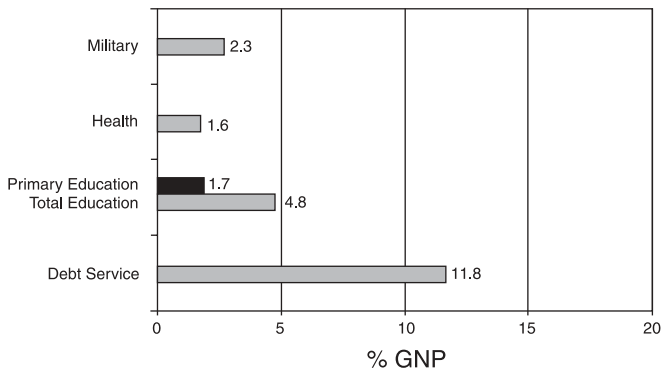
[1783] Unclassified telegram 006420.

[1784] *World Development Indicators 2000*.

[1785] *Education for All: Year 2000 Assessment—Thailand* .

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1786]



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1786] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

Togo

1. Child Labor in Togo

In 1998, the International Labor Organization (ILO) estimated that 27.5 percent of children between the ages of 10 and 14 in Togo were working.[1787] Child labor is found primarily in the informal sector, particularly in farming, petty trading, and artisan workshops where there is little legal protection for children.[1788]

Many children, especially girls, work as domestic servants.[1789] In 1994, a joint study by WAO Afrique and Anti Slavery International indicated that 65 percent of child domestics were under the age of 15.[1790] Children between 6 and 18 years of age were also reported to work as domestic servants on military barracks.[1791]

Bonded labor is reported to exist in remote parts of Togo. As part of a traditional practice known as *Trokosi*, young girls become slaves to religious shrines for offenses allegedly committed by a member of the girl's family.[1792]

Children as young as 5 or 6 years old are either trafficked from or through Togo.[1793] Children from Togo are trafficked to other countries in Africa, especially Gabon, and overseas to the Middle East, Asia, and Europe.[1794] Trafficked children from Togo are found working in commercial agriculture as domestic servants, market traders, child beggars, and prostitutes.[1795] These children usually leave home with the consent of their parents in hope of better prospects for their future. Some girls leave home to find employment in order to earn income for their dowry.[1796]

[1787] *World Development Indicators 2000.*

[1788] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 2000), 5 [hereinafter *Country Reports 1999—Togo*].

[1789] Statement by Cleophas Mally, director, WAO-Afrique, in regard to a joint study by Anti-Slavery International and WAO-Afrique on child domestic workers in Togo to the Working Group on Contemporary Forms of Slavery, U.N. High Commission on Human Rights, October, 1997 [hereinafter statement by Cleophas Mally].

[1790] Ibid.

[1791] Declaration de la délégation togolaise et de la W.A.O. Afrique (ONG préésente au Togo) sur le rapport de la "Coalition pour mettre fin à l'utilisation d'enfants soldats," l'utilisation d'enfants soldats en Afrique, Maputo, April 1999,19-22, as cited in Coalition to Stop the Use of Child Soldiers, "Africa Report: Togo," London, March 1999.

[1792] Jesse Sage, American Anti-Slavery Group, e-mail to GMIS, November 6, 2000, as cited in *The Global March Against Child Labor*, "The Worst Forms of Child Labour: Country-Wise Data, October 2000, Togo."

[1793] *Trafficking in Persons Report*: Country Narratives, Tier 2 (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Trafficking in Persons Report*]; *see also* statement by Cleophas Mally.

[1794] *Country Reports 1999—Togo* at Section 6f. In one month, January 1998, 199 trafficked children along the border between Togo and Benin were repatriated and returned to their families. "Child Peddling Serious Problem in Togo and Benin," Africa News Service, March 23, 1998 (www.captive.org/Information/WorldBeat/Africa/articlesafrica1.htm).

[1795] Statement by Cleophas Mally.

[1796] United Nations "Summary Record of the 422nd Meeting: Togo," U.N. Document No. CRC/C/SR.422 (Geneva: U.N. Committee on the Rights of the Child, February 3, 1998) [hereinafter "Summary Record of the 422nd Meeting"].

2. Children's Participation in School

In 1998, the primary gross attendance rate was 116.1 percent, and the primary net attendance rate was 69.5 percent. Boys (74.1 percent) attended school at a higher rate than girls (64.6 percent).[1797] In 1996, the gross primary enrollment rate was 119.6 percent, and the net primary enrollment 81.6 percent.[1798] In 1994, 71 percent of children reached grade five. Figures disaggregated by gender indicate that 79 percent of boys and 60 percent of girls reached grade five in 1994.[1799]

In recent years, decreasing federal allocations for education have led to teacher shortages, and a growing deterioration of educational infrastructure in rural areas.[1800] Private schools, run by Christian and Islamic organizations and private individuals, are highly active in Togo, educating approximately one-half the student population.[1801]

3. Child Labor Law and Enforcement

The Labor Code prohibits the employment of children under the age of 14 in any enterprise and the employment of anyone under the age of 18 in some types of industrial and technical employment. Inspectors from the Ministry of Labor enforce these age requirements but only in the formal sector in urban areas.[1802]

The Penal Code (Article 78) prohibits the corruption, abduction or transfer of children against the will of those exercising parental authority.[1803] This article does not cover cases that are consensual and do not involve abduction of a child against the will of the parental authority. The government has prosecuted 50 cases against traffickers resulting in 31 convictions.[1804] Articles 91 and 94 of Togo's Penal Code prohibits soliciting and procuring of minors for sex.[1805]

[1797] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1798] *World Development Indicators 2000*. Gross primary school enrollment rates in Togo have exceeded 100 percent in Togo since the late 1980s and throughout the 1990s. *See also* Preliminary Report of the Special Rapporteur on the right to education, Ms. Katatina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33, U.N. Document No. E/CN.4/Sub.2/1998/12 (Geneva: Office of the High Commissioner on Human Rights, 1999), Table 16 [hereinafter Preliminary Report of the Special Rapporteur]; see also *World Development Indicators 2000*.

[1799] *World Development Indicators 2000*.

[1800] Koffi-Tessio and M. Egnonto, "Human Resource Development for Poverty Reduction and Household Food Security: Situation of Education and Training in Togo" (Lome, Togo: University of Lome, Advanced School of Agronomy, 2000) [hereinafter "Human Resource Development for Poverty Reduction"].

[1801] *El Barometer*, "The Worst Forms of Child Labour: Country-Wise Data, October 2000, Togo," as cited in *The Global March Against Child Labor* (www.globalmarch.org/cl-around-the-world/index.html), September 29, 2000.

[1802] *Country Reports—Togo* at Section 6d.

[1803] United Nations "Summary Record of the 420th Meeting: Togo," U.N. Document No. CRC/C/SR.422 (Geneva: U.N. Committee on the Rights of the Child, February 2, 1998) [hereinafter "Summary Record of the 420th Meeting"].

[1804] Trafficking in Persons Report.

[1805] In addition, according to article 87 of the Penal Code, all perpetrators or accomplices of rape whose victims were minors between 14 and 18 years of age are subject to a 5- to 10-year prison sentence; for victims under 14 they are subject to a 20-year sentence; *see* "Summary Record of the 420th Meeting."

The Government of Togo ratified ILO Convention No. 138 on the Minimum Age for Employment on March 16, 1984, and ILO Convention No. 182 on the Worst Forms of Child Labor on September 19, 2000.[1806]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In 2000, ministers and experts representing over 20 West and Central African countries, including Togo, drafted a "Common Platform for Action" against child trafficking at a conference organized in Gabon by the United Nations Children's Fund (UNICEF). The ILO, the Government of Gabon, and the Government of Togo signed a Memorandum of Understanding with ILO-IPEC to fight child labor, particularly trafficking.[1807] The participating countries in the anti-trafficking efforts are building regional cooperation and local capacity to combat child trafficking and rehabilitate trafficked children.[1808]

The first phase of the ILO-IPEC regional project to combat child trafficking in Central and West Africa started in 1999, with funding from the U.S. Department of Labor. As a participant country in this project, Togo has formulated a national plan of action against trafficking in children, gathering statistics and information on the incidence of child trafficking and building institutional capacity and community awareness in order to combat trafficking.[1809] Legislation has been passed according to which consulates based in Togo have stopped issuing visas to minors without first consulting a social worker.[1810] In 2001, the Government of Togo agreed to participate in the second phase of the project, when direct interventions on child trafficking will be launched. Child labor and child trafficking has also been the subject of an extensive information campaign by nongovernmental organizations (NGOs) and other international organizations in the regions most affected.[1811]

Since signing the Convention on the Rights of the Child, Togo has amended child-related legislation at the federal and state level and established a National Committee for the Protection and Promotion of Children that is working to coordinate ministry level and civil society initiatives on child welfare.[1812]

WAO Afrique, a regional NGO, signed a Memorandum of Understanding with the Government of Togo in 1990 to work to protect the rights of the child in Togo, as stipulated in the Convention for the Rights of the Child. WAO-Afrique aims include the strengthening of

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[1806] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1807] Child Labour News Service, "Africa Moves to Check Child Trafficking" (http://globalmarch.org/clns/clns-march1.html), March 1, 2000.

[1808] "Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II): Executive Summary" (Geneva: ILO-IPEC, 1999).

[1809] Ibid.

[1810] "Summary Record of the 420th Meeting."

[1811] Ibid.

local NGO capacity, conducted research and promoting legislation to support the rights of children, and working to rehabilitate trafficked children and child laborers in the country. WAO and other NGO groups, such as Youth in Action and Development, have also supported interventions aimed at child domestic servants and street children.

b. Educational Alternatives

The Togolese Constitution (Article 35) establishes that education is compulsory for six years.[1813] As part of Togo's involvement in Education for All, the government aims to make education accessible throughout the country, democratize education by involving communities in the planning and management of schools, and integrate vocational and non-formal education into the curriculum.[1814]

In 1992, the Government of Togo's Council of Ministers adopted a national plan on education which prioritized improving basic education for all children; however, the increase in enrollment caused by the first national plan led to an increasing number of untrained teachers, inadequate facilities at primary schools to absorb increased enrollment, and other constraints created a deterioration in the quality of education. In 1995, the Government of Togo launched another national plan for education which focused on the fundamental needs of an education system: qualified teachers and administrative staff, improving systems of attracting and retaining children in schools, and adapting education to the socio-economic conditions in the country. In 1998, the Council of Ministers adopted this plan, and there are currently a wide range of public and private institutions involved in implementing the second education plan.[1815]

Current issues that the government faces are low girls' enrollment, low retention rates, deteriorating rural schools, teacher shortages, and other general concerns about the educational infrastructure. The Government of Togo has sought to raise low net enrollment among girls and children in rural areas. The Government of Togo set a goal to raise the enrollment of girls to 80 percent by the year 2000, but it remains unclear whether this goal was attained.[1816] UNICEF has been working with the government to discern the reasons for low enrollment among girls, and the government has been implementing programs to boost girls' education.[1817]

The government is also working with the World Bank as part of the Educational Support and Management Program to improve rural schools and defray some of the costs of education to poor parents.[1818] The World Bank supported the construction and repair of classrooms, as well as

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[1812] Ibid.

[1813] [1727] Preliminary report of the Special Rapporteur; see also *World Development Indicators 2000*.

[1814] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics, *Education for All: Year 2000 Assessment*, Country Report, Togo (Paris, 2000).

[1815] Ibid.

[1816] "Summary Record of the 420th Meeting."

[1817] Ibid.

[1818] Ibid.

the provision of textbooks in primary schools. Charitable organizations and businesses have also provided assistance with the acquisition of school supplies.[1819] The government is also making efforts to recruit assistant teachers and reduce repeat and dropout rates. Such action is in accordance with Article 35 of the Togolese Constitution, which states that education is compulsory, and the State is progressively ensuring that education is free.[1820]

In 1996, government spending on public education was 4.5 percent of the government's gross national product (GNP). In 1999, public spending on primary education was only 1 percent of the country's GNP. Over 80 percent of public expenditure on education is provided for by federal funds.[1821]

[1819] "Summary Record of the 422nd Meeting."

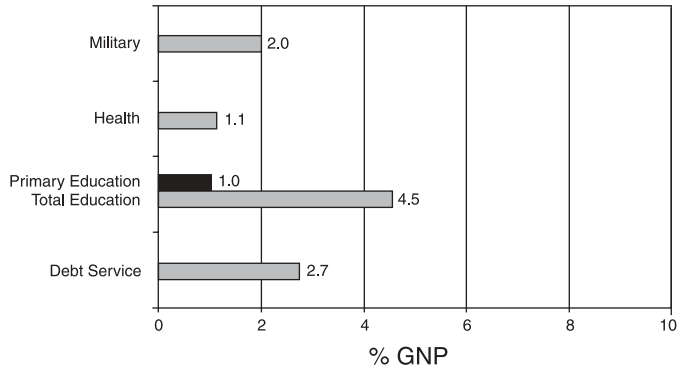
[1820] "Summary Record of the 422nd Meeting."

[1821] "Human Resource Development for Poverty Reduction."

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1822]

Selected Government Expenditures as a Percentage of Togo's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1822] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

UGANDA

1. Child Labor in Uganda

In 1998, the International Labor Organization (ILO) estimated that 44.4 percent of children between the ages of 10 and 14 in Uganda were working.[1823] According to the 1991 Population Census and the 1992/93 Ugandan Integrated Household Survey, 23 percent of children between the ages of 10 and 14 work in various activities.[1824] The Ugandan Government estimates that 3.3 million children between the ages of 10 and 17 were working in 1991.[1825] Of these children, 49 percent were girls and 51 percent were boys.[1826] In 2000, the Uganda Bureau of Statistics (UBOS), in collaboration with the U.S. Agency for International Development (USAID) and technical assistance from the ILO's International Program on the Elimination of Child Labor (ILO-IPEC) conducted a national survey on the demographic and health status of the country. The survey included a child labor module which will provide estimates on the number of working children. UBOS is planning to carry out another national child labor survey in 2002, in consultation with ILO-IPEC and with funding from the U.S. Department of Labor (USDOL).[1827]

Child labor is most prevalent in Uganda's northern region, pastoral communities, districts devastated by HIV/AIDS, agricultural plantations, mining areas, urban centers and border towns.[1828] There are an estimated 1.7 million orphaned children, resulting from civil unrest, internal displacement of persons and HIV/AIDS.[1829] An estimated one million children living in Uganda have lost their mother or both parents to AIDS.[1830] Orphaned children are likely to become heads of households responsible for caring for younger siblings or live on the streets.

[1823] World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000 [hereinafter *World Development Indicators 2000*].

[1824] Ministry of Labour and Social Welfare, *Uganda's Report and Position on Child Labour*, prepared for the OUA/ILO African Regional Tripartite Conference on Child Labour (Kampala, January 1998), 27 [hereinafter *Uganda's Report and Position on Child Labour*]. According to the Uganda Bureau of Statistics 1991 Population and Housing Census summary results, it is estimated that children 17 years and under comprised 53.8 percent (9 million) of the total population (www.ubos.org/c_1991.html).

[1825] Ministry of Gender, Department of Statistics, *Women and Men in Uganda: Facts and Figures 1998*, 45, as cited in *Children in Domestic Service: A Survey in Kampala District* (Kampala: FIDA Uganda, 2000), 1 [hereinafter *Children in Domestic Service*].

[1826] Ibid. at 9.

[1827] UBOS is preparing a child labor report that is expected by the end of 2001. ILO-IPEC, *Statistical Information and Monitoring Program on Child Labor in Uganda*, Technical Progress Report No.4, 28 November 2001.

[1828] *The State of, and Action Against, Child Labour in Uganda: Report on the Proceedings and Outcomes of the National Workshop on the State of Child Labour in Uganda* (Kampala: Ministry of Labour and Social Affairs, July 1996), 8-9 [hereinafter *The State of, and Action Against, Child Labour in Uganda*].

[1829] *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 1999), 531 [hereinafter *Country Reports 1999—Uganda*].

[1830] UNAIDS/World Health Organization Epidemiological fact sheet, 2000, Uganda, 3. It is estimated by UNAIDS that since the beginning of the HIV/AIDS epidemic, 1.7 million children in Uganda have lost their mother or both parents to AIDS.

A predominant factor behind child labor is poverty, particularly in rural areas where more than 90 percent of Uganda's population lives.[1831]

Children work in both subsistence and commercial farming. Children fetch water over long distances; handle heavy loads; and are exposed to dust, pesticides and herbicides.[1832] According to a study conducted by the Federation of Uganda Employers of 115 enterprises involved in tea, coffee, sugar, and tobacco production, children participate in the labor force of almost 80 percent of the employers.[1833] In the areas examined by the study, children performed a variety of tasks, including harvesting tea and tobacco (25 percent); picking coffee beans (23 percent); weeding (14 percent); slashing (9 percent); spraying (9 percent); and sorting tobacco (5 percent).[1834]

The Ugandan Government reports that some of the worst forms of child labor in the country include heavy domestic work; commercial sex and sexual slavery; involvement in military operations; smuggling of merchandise across borders; and the work of children living on the streets.[1835] Children working as domestic servants frequently work long hours, are denied food, endure physical and sexual abuse, and are isolated from family and friends.[1836]

In urban areas, children are employed in garages and metal workshops.[1837] Children working in garages and workshops often are exposed to hazardous products such as paint, petroleum, battery acid, and asbestos.[1838] Children working on the streets sell small items, beg, wash cars, and scavenge.[1839] They are also involved in the commercial sex industry, particularly in Kampala and border towns.[1840] Child street workers are exposed to crime and drug abuse. Many suffer from malnutrition and hunger; some sniff fuel to get high.[1841] A study conducted in 1993 in 10 districts identified 3,827 street children, 14 percent of whom were living and working

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[1831] *The State of, and Action Against, Child Labour in Uganda* at 9. Other commonly cited causes of child labor are cultural attitudes and practices; family breakdown and labor shortages; exploitive attitudes among adults; deficiencies in the education system; structural adjustment policies; and armed conflict and war, as cited in Ministry of Labour and Social Welfare, *Uganda's Report and Position on Child Labour* at 7.

[1832] Electronic correspondence from Sopie Kyagulanyi, Legal Assistant for the Foundation for Human Rights Initiative, Kampala, Uganda, to U.S. Department of Labor official, September 29, 2000 [hereinafter Kyagulanyi correspondence].

[1833] *The Employers' Effort in Eliminating Child Labour within the Formal Agricultural Sector in Uganda: A Study Conducted by the Federation of Uganda Employers*, April 1999, International Labor Organization, vii [hereinafter *The Employers' Effort in Eliminating Child Labour*].

[1834] Ibid. at 22.

[1835] *Uganda's Report and Position on Child Labour* at 6.

[1836] *Children in Domestic Service* at vi to vii.

[1837] *National Programme on the Elimination of Child Labor in Uganda*, project document (Geneva: ILO-IPEC, prepared October 1998, revised 1999), 3 [document on file].

[1838] Kyagulanyi correspondence.

[1839] Ibid.

[1840] *Country Reports 1999—Uganda* at 533.

[1841] Kyagulanyi correspondence.

on the street full time.[1842] In 1999, a study carried out by a national NGO estimated the number of street children in Kampala alone at 5,000, of whom 1,000 live full time on the streets.[1843]

Although the minimum age to serve in Uganda's military is 18 years, the National Resistance Army used young children extensively in the 1980s as soldiers.[1844] Reports of Uganda's military recruitment of child soldiers continue, despite the government's pledge to stop using children in armed conflict.[1845] Efforts have been made to introduce former child soldiers to schooling. In February 2001, the Government of Uganda handed over to the United Nations 163 Congolese children, aged 9 to 17, being trained as soldiers by Uganda's military. These children were to be rehabilitated and returned to their families.[1846]

Uganda continues to be plagued by armed conflict with the Lord's Resistance Army (LRA) active in the north, and the Allied Democratic Forces (ADF) active in limited areas in southwest Uganda.[1847] Some estimate that as many as 14,000 children have been abducted by rebel groups.[1848] Abducted children are often trafficked into southern Sudan and forced into situations of armed conflict in Sudan, the Democratic Republic of Congo, and Uganda. They are used as human shields or hostages and are sometimes coerced into sexual activity.[1849] The United Nations Children's Fund (UNICEF) estimates that more than 5,000 children abducted by the LRA since 1987 are still unaccounted for.[1850]

2. Children's Participation in School

In 1995, the primary gross attendance rate was 95.8 percent, and the net primary attendance rate was 68.4 percent.[1851] Primary school net enrollment ratio has risen in Uganda from 53 percent in 1990 to 87 percent in 1997.[1852] In 1997, an estimated 94 percent of children reached grade 5, with similar rates for girls and boys (94.3 percent and 93.5 percent

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[1842] Ibid.

[1843] Summary Outline for Action Program on Child Labor, Kids in Need (KIN), ILO-IPEC, June 12, 2000, 2. Full-time street children are said to have lost touch with their families and live on the streets permanently.

[1844] *Child Soldier Global Report 2001: Uganda*, Coalition to Stop the Use of Child Soldiers (www.child-soldier.org/report2001/countries/uganda.html) [hereinafter *Child Soldier Global Report 2001*].

[1845] Ibid.

[1846] "Uganda Releases 163 Congolese Child Soldiers" (www.unicef.org/newsline/01pr19.htm).

[1847] Since the early 1980s, Uganda's northern region has been continuously disrupted by armed conflict, particularly in the districts of Gulu, Kitgum, Lira, Apac, Arua, Adjumani, and Moyo, and across the border in southern Sudan. Rebels are associated with the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF). See Also *Child Soldier Global Report 2001*.

[1848] Tom Barton, Alfred Mutiti and the Assessment Team for Psycho-Social Programmes in Northern Uganda, *Northern Uganda Psycho-Social Needs Assessment* (Kisubi, Uganda: Marianum Press, 1998), vii-viii.

[1849] Ibid. See also *Victims of Trafficking and Violence Protection Act 2000: Trafficking in Persons Report* (Washington, D.C.: U.S. Department of Labor, 2001).

[1850] *Child Soldier Global Report 2001*.

[1851] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1852] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment*, Country Report, Uganda (Paris, 2000) [hereinafter *Education for All: Year 2000 Assessment—Uganda*].

respectively).[1853] The rate of dropouts in Uganda was 6 percent in 1997, while 11 percent of children were repeated a grade in that same year.[1854]

Under the Universal Primary Education (UPE) program launched in 1997, the Ugandan Government waives school fees for four children per family and provides textbooks for free. Primary school enrollment increased from 2.3 million pupils in 1996 to 6.59 million pupils in 1999.[1855] Initially, schools were overwhelmed with some reports claiming hundreds of students per classroom. Government sources report student-teacher ratios at the primary level increased from 38 in 1996 to 64 in 1999.[1856] Efforts to construct new school buildings are under way to meet the challenge of keeping pace with enrollment. As of 1999, there are a total of 10,516 primary and 623 secondary schools as of 1999.[1857] Efforts to improve the quality of teaching have intensified. While in 1989, only 52 percent of primary school teachers received training, trained instructors account for 72 percent of teachers in 1999.[1858]

It is noteworthy that the UPE initiative encourages families to grant girls and the disabled child the highest priority in enrollment, as well as orphaned children. Although the percentage of disabled children in Uganda is not known, about 3 percent of pupils enrolled in 1997 were disabled.[1859] Some estimate that 158,000 disabled pupils have enrolled under the UPE program.[1860]

Despite Uganda's efforts to promote the Universal Primary Education (UPE) program, problems with primary school education persist. Students are forced out of the system through national examinations, and because of limited capacity at the secondary-level.[1861] Only 10 percent of the secondary school age population is enrolled in school.[1862] There continues to be a wide variation in school enrollment across regions and gender.[1863] For example, in a district where cattle herding is prevalent, the increase in enrollment for UPE was only 21 percent, as compared to the national average of over 55 percent.[1864] While UPE encourages an equal

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[1853] Education for All (EFA) 2000 [online], Country Report, Uganda (www2.unesco.org/wef/countryreports/uganda/contents.html) [hereinafter EFA 2000].

[1854] *The Ugandan Experience of Universal Primary Education (UPE)* (Kampala: Ministry of Education and Sports, July 1999), 13 [hereinafter *Ugandan Experience of Universal Primary Education*].

[1855] EFA 2000 (www2.unesco.org/wef/countryreports/uganda/contents.html.). See Also *Ugandan Experience of Universal Primary Education* at 10.

[1856] *Ugandan Experience of Universal Primary Education* at 12.

[1857] Ibid. at 5.

[1858] Ibid. According to the same source, there were 96,830 primary school teachers and 17,534 secondary school teachers.

[1859] Ibid. at 11.

[1860] Nicholas Kajoba, "158,000 Disabled Pupils Enrolled in Universal Primary Education," *New Vision*, September 18, 2000 (www://allafrica.com/stories/printable/200009180098.html); cited March 6, 2001.

[1861] *Ugandan Experience of Universal Primary Education* at 4.

[1862] Line Eldring, Sabata Nakanyane, and Malehoko Tshoaedi, *Child Labour in the Tobacco-Growing Sector in Africa*, report prepared for the IUF/ITGA/BAT conference "Elimination of Child Labour," Nairobi, October 8-9, 2000, 73.

[1863] "Education and the Labour Market," in *Employment Generation and Poverty Reduction in Uganda* (ILO East Africa Multidisciplinary Advisory Team (EAMAT MDT), Chapter 7, 10-11. (www.ilo.org/public/english/250addis/papers/1997/pover_ug/chap7.htm).

[1864] *Ugandan Experience of Universal Primary Education* at 14.

boy-girl ratio of enrollment, school enrollment of girls still lags behind.[1865] Some areas involved in civil unrest suffer from chronic food insecurity and lack essential services; access to education is limited for those populations.[1866]

3. Child Labor Law and Enforcement

Uganda's 1995 Constitution (Article 34) defines a child as a person under 16 years of age, and states that children have the right to be protected from social and economic exploitation. The Constitution further states that children should not be employed in work that is "likely to be hazardous," or work that would otherwise endanger their health, their physical, mental, spiritual, moral, or social development, or that would interfere with their education.[1867]

The Employment Decree No. 4 of 1975, makes it unlawful to employ a child below 12 years of age, except for light work as prescribed by the Minister of Labor by statutory order. The decree does not allow those less than 16 years from work at night or underground.[1868] The Employment Regulation of 1977 prohibits children under 18 from employment in dangerous and hazardous jobs.[1869]

The Children's Statute No. 6 of 1996 defines a child as a person below the age of 18 years, and prohibits the employment of children that may be harmful to his or her health, education, mental, physical or moral development.[1870] The statute makes it the responsibility of all Local Councils from village to district to safeguard and promote child welfare, and provides for redress.[1871] The Local Government Act of 1997 also devolves nearly all central government responsibilities to district and local councils, bringing decision-making on children's affairs, including education and health, to local communities.[1872]

Protection of the child from labor and all hazards connected to it falls under the mandate of the Ministry of Gender, Labour and Social Development (MGLSD), in the Department of Labor Employment and Industrial Relations.[1873] Other ministries with responsibilities include the Ministry of Education and Sports, Ministry of Health, Ministry of Local Government, and Ministry of Internal Affairs.[1874]

[1865] National Strategy for Girls' Education in Uganda, Ministry of Education and Sports, 2000, 3.

[1866] U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *United Nations Consolidated Inter-Agency Appeal for Uganda* [on-line], November 1999 [cited 18 March 2002]; available from: <http://www.reliefweb.int/w/rwb/nsf> [hard copy on file].

[1867] Constitution of the Republic of Uganda, Article 34 (4)(5) (www.government.go.ug/constitution/chapt4.htm); cited August 14, 2001.

[1868] *Uganda's Report and Position on Child Labour* at 25.

[1869] Ibid. at 25-26.

[1870] Ibid. at 25.

[1871] *The Children Statute* at 12..

[1872] Kyagulanyi correspondence at 5. *See Also* Ministry of Local Governement website at <http://www.ugandamolg.org>

[1873] *Uganda Child Labour Project*, Ministry of Labour and Social Welfare, Department of Labour, 1 (received by U.S. Department of Labor on March 19, 1998) [document on file].

Although it is known that the commercial exploitation of children occurs, little available data exist that reflect the extent of the problem. Article 125 of the Penal Code prohibits individuals from soliciting females for prostitution.[1875] Violation of this code is punishable by up to seven years imprisonment.[1876] Owning or occupying a premise where a girl under age 18 is sexually exploited is a felony, and offenders are subject to five years imprisonment.[1877] Under Article 123, any person who attempts unlawful sexual intercourse with a girl under the age 18 is liable to imprisonment for 18 years, and rape of a girl under the age of 18 is an offense punishable by imprisonment with or without a death sentence.[1878]

The Government of Uganda has ratified the Organization of African Unity Charter on the Rights of the Child (1991). Uganda ratified International Labor Organization (ILO) Convention No. 182 on the Worst Forms of Child Labor on June 21, 2001.[1879]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

In November 1998, the Ministry of Gender, Labour and Social Development (MGLSD) signed a Memorandum of Understanding (MOU) with the ILO-IPEC. Under this MOU, a National Steering Committee was established in July 1999, and a Child Labor Unit was formed in the MGLSD in August 1999. The Child Labor Unit is responsible for developing policy on child labor and promoting coordination and networking among key stakeholders.[1880]

In collaboration with ILO-IPEC and with funding from USDOL, Uganda launched a National Program to Eliminate Child Labor in 1999. The program contributes to the progressive elimination of exploitive child labor through prevention, withdrawal, rehabilitation and provision of alternatives to working children. The projects focus on sensitization, advocacy, media awareness, and the formation of district groups aimed at addressing children's issues.[1881] Sectors receiving particular attention include commercial agriculture, construction, and fishing. In the informal sector, rehabilitation services are available to street children, commercial sex workers, domestic workers, and children involved in cross-border smuggling and drug trafficking.[1882]

[1874] *The Employers' Effort in Eliminating Child Labour* at 4.

[1875] Article 125 of the Penal Code of Uganda, as cited in *The Protection Project*, Country Report, Uganda, January 2001 (www.protectionproject.org).

[1876] Ibid.

[1877] Ibid.

[1878] Report of the Policy Makers' Seminar on Child Abuse in Uganda, June 7, 2000, paper presented by Deborah Serwada, program director, Hope after Rape, "Paper Presentation on Defilement," 6.

[1879] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1880] *Children in Domestic Service* at 14.

[1881] Interview with Dr. Regina Mbabazi, ILO-IPEC coordinator, by U.S. Department of Labor official, August 14, 2000.

[1882] Ibid.

Uganda is also one of five countries participating in the ILO-IPEC regional program Combating Child Labor in the Commercial Agricultural Sector, supported by funding from USDOL. The project aims to increase the capacity of all stakeholders to identify and eliminate hazardous child labor on tea and coffee plantations. The project will withdraw and rehabilitate children working in hazardous conditions in commercial agriculture and provide their families with viable alternatives.[1883]

The Government of Uganda has also sought to address issues related to child labor through its 1997 Poverty Eradication Action Plan (PEAP), which provides a framework for poverty alleviation programs in Uganda.[1884] The Government of Uganda also works cooperatively with numerous nongovernmental organizations (NGOs) involved in rehabilitating formerly abducted children, rescuing street children, and combating child labor by providing food, shelter, basic education, vocational training and counseling.[1885]

b. Educational Alternatives

The Constitution states that a child is entitled to basic education and that will be the responsibility of the State and the parents of the child.[1886] Primary education reform began in the 1990s with several initiatives. As part of the Teacher Development and Management System (TDMS), a decentralized outreach tutor program began that includes all government-aided schools in all districts. Based in coordinating centers, outreach tutors visit schools to assist parents, community leaders, teachers, and head teachers in improving practices to benefit pupil learning.[1887] The Government of Uganda has also improved the quality of teachers' guides, textbooks and distribution of materials to schools by implementing a competitive and transparent procurement process.[1888]

The launch of the Universal Primary Education (UPE) program in January 1997 has stimulated new approaches to primary education, including double-shifting classes each day, allowing twice as many children to attend school, and promoting community-based school

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[1883] *Targeting the Worst Forms of Child Labor in the Tea, Tobacco and Coffee Sectors in Uganda* (Geneva: ILO-IPEC, September 2000) [document on file]. Among the institutions that are anticipated to play an active role in the project are the Federation of Uganda Employers, National Organization of Trade Unions, National Union of Plantation and Agricultural Workers, World Food Program, UNICEF, Save the Children Norway, various government ministries, and other nongovernmental and community-based organizations providing direct services to child laborers.

[1884] "TN 2: Case Example: Uganda's Poverty Reduction Strategy," The World Bank Group (www.worldbank.org/participation/tn.2htm); cited August 28, 2001. The Poverty Eradication Action Plan (PEAP) aims to promote increased incomes for the poor by supporting various rural development initiatives; improving the quality of life of the poor by improving access to health care, education and clean water; and strengthening governance through mechanisms to increase accountability and transparency, decentralization, and the democratic principles of consultation and civic participation.

[1885] U.S. Embassy-Kampala, unclassified telegram no. 000782, March 15, 2001.

[1886] Constitution of the Republic of Uganda, Article 34 (2) (www.government.go.ug/constitution/chapt4.htm); cited August 14, 2001.

[1887] *Ugandan Experience of Universal Primary Education* at 15.

[1888] Ibid. at 16-17.

management, where parents, teachers, and other members of each school community agree on budget priorities and expenditures based on school individual needs.[1889]

In collaboration with the government, many international and multinational agencies provide technical and financial support to Uganda's education reform initiatives and target marginalized or disadvantaged populations. For example, in the nomadic areas of Moroto and Kotido, the Alternative Basic Education for Karamoja (ABEK) program brings literacy programs, taught by instructors from the community, into the homes of children not attending formal school.[1890] The program reached over 9,200 children in 1999, of which 67 percent were girls.[1891]

Another program is the Complementary Opportunities for Primary Education (COPE) initiative for children aged 10-16 years that have never attended school or dropped out before acquiring basic literacy and numeracy skills.[1892] A practical curriculum and shorter instruction time of three to four hours a day allows children to combine schooling with other demands on their time. The program reaches over 3,600 children in four districts.[1893]

To cover the cost of the UPE program and the broad range of education reforms implemented within the five-year *Education Sector Investment Plan (1997-2003)*, public expenditure on education has increased substantially. Between 1995 and 1996, primary education was allocated 49 percent of the total public expenditure on education.[1894] That percentage increased to 66 in 1997 and to 62 percent in 1998.[1895] Expenditures per pupil as a percentage of Uganda's gross national product (GNP) per capita increased from 6.94 percent in 1994 to 7.96 percent in 1997 and then reduced to 6.94 percent in 1999.[1896] The reason for this decrease is that despite increases in public expenditure on primary education, enrollments increased over the same period and therefore proportionately, per pupil expenditure has not significantly increased.[1897]

Donor contributions to primary education for the 1998/99 school year were approximately US$47 million, about the same amount as the Ugandan Government's contribution.[1898] Uganda was the first country to be declared eligible to benefit from the World Bank and International Monetary Fund's debt initiative for Heavily Indebted Poor Countries (HIPC) and uses relief to

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[1889] "World Bank's First-Ever Combination Grant-Credit Will Support Uganda Education," News Release No. 98/1697/AFR, March 24, 1998.

[1890] EFA 2000 (www2.unesco.org/wef/countryreports/uganda/rapport_2_0.html).

[1891] Ibid.

[1892] Ibid.

[1893] Ibid.

[1894] *Education for All: Year 2000 Assessment—Uganda*. According to the Ministry of Education and Sports, Uganda spent US$8 per pupil in the early 1980s and by 1998, US$32.50 per pupil for primary education as stated in *The Ugandan Experience of Universal Primary Education (UPE)* (Kampala: Ministry of Education and Sports, July 1999), 19.

[1895] *Education for All: Year 2000 Assessment—Uganda*.

[1896] EFA 2000 (www2.unesco.org/wef/countryreports/uganda/contents.html). This source does not report a baseline amount for these data.

[1897] Ibid.

[1898] *Ugandan Experience of Universal Primary Education* at 20.

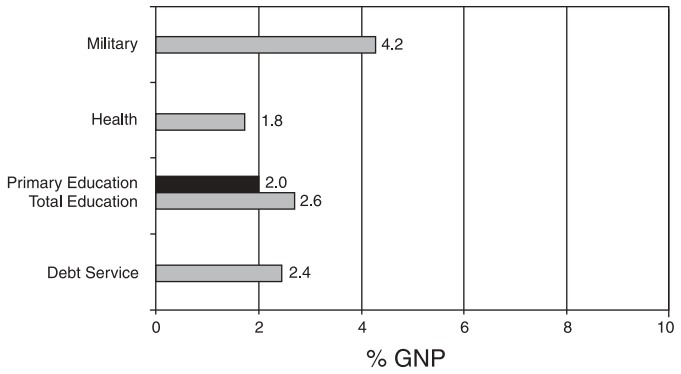
pay for education reform. Total debt-service under the HIPC initiative relief will yield approximately US$2 billion.[1899]

Spending by the Ugandan Government on education as a percentage of GNP was 2.2 percent in 1995.[1900] Public spending dedicated to primary education as a percentage of GNP was approximately 2 percent in financial year 1999/2000.[1901]

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1902]

Selected Government Expenditures as a Percentage of Uganda's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1899] "World Bank and IMF Support Additional Debt Relief for Uganda Amounting to $1.3 Billion," News Release No. 2000/327/S, May 2000.

[1900] *World Development Indicators 2000* [CD-ROM].

[1901] *Education for All: Year 2000 Assessment—Uganda.*

[1902] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

ZAMBIA

1. Child Labor in Zambia

In 1998, the International Labor Organization (ILO) estimated that 15.8 percent of children between the ages of 10 and 14 in Zambia were working.[1903] According to the 1999 Child Labor Survey (CLS) conducted by the Zambian Central Statistical Office, approximately 595,000 children under the age of 18 were economically active in the country, and children under the age of 15 years accounted for 347,000 of that number.[1904]

Child labor is generally more prevalent among larger households in Zambia. Figures from the 1999 CLS indicate that in households with nine or more members, 32.8 percent of children in rural areas and 28.8 percent of those from urban areas are economically active. As the number of household members drops, so too does the percentage of economically active children. For households with five to six members, the percentage drops to 26.2 percent in rural areas and 21.7 percent in urban areas, and for those with three to four members, it drops to 13.9 percent in rural areas and 12 percent in urban areas. When household size falls below three members, the percentage of economically active children is 2.1 percent in rural areas and 3.7 percent in urban areas. [1905]

While children work in a variety of sectors in Zambia, the overwhelming majority work in agriculture. According to the 1999 CLS, 84.3 percent of working children are involved in the agriculture industry at the national level, while in rural areas approximately 96.7 percent of working children are engaged in agriculture-related activities compared to 3.3 percent of working children in urban areas.[1906] Child labor in agriculture often involves arrangements whereby work is sub-contracted out to families and the children work informally alongside adult family members.[1907] While officially a male head of household may be the one employed to farm a piece of land and may receive the wages for work done, women and children in the family often perform a significant amount of the labor involved.[1908]

[1903] *World Development Indicators 2000* [CD-ROM].

[1904] This survey was carried out with technical support from the ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC). *See* "1999 Child Labor Survey: Country Report," (draft) (Lusaka: Republic of Zambia Central Statistical Office, 2001), Section 4.1.1 [hereinafter "1999 Child Labor Survey"]. According to the World Bank's *World Development Indicators 2000*, an estimated 16 percent of children between the ages of 10 and 14, or approximately 210,000 children, are economically active in Zambia. See *World Development Indicators 2000* [CD-ROM].

[1905] "1999 Child Labor Survey" at 4.3.

[1906] Ibid. at Section 4.1.2.

[1907] Interview with Deputy Permanent Secretary P. E. Mutantika and Labor Commissioner E. J. Nyirenda, Ministry of Labor and Social Security, by U.S. Department of Labor official, August 4, 2000 [hereinafter Mutantika and Nyirenda interview].

[1908] "Prevention, Withdrawal and Rehabilitation of Children in Hazardous Work in the Commercial Agriculture Sector in Africa: Country Annex for Zambia", 2 (Geneva: International Labor Organization, 2000) [document on file] [hereinafter "Prevention, Withdrawal and Rehabilitation of Children"].

In rural areas, children are also involved in tending livestock, fishing, bricklaying, making crafts, and charcoal production.[1909] In urban areas, children peddle various goods on the streets, wash and guard cars, work in restaurants and bars, and are involved in stone breaking, carpentry, and food production.[1910] Children also work in hotels, in the catering and transport sectors, in construction, manufacturing, and quarrying. Some children work in domestic service and in prostitution, while others turn to begging and scavenging.[1911] In the commercial sex sector, the demand for children is driven in part by the belief amongst older men that young girls are free of HIV infection.[1912]

The spread of HIV/AIDS in Zambia has made it increasingly difficult for families to meet basic needs and led to a dramatic increase in the number of child-headed households. According to a United Nations Children's Fund (UNICEF) official, an estimated 600,000 children countrywide have been orphaned as the result of HIV/AIDS.[1913] Thirty-seven percent of households in Zambia are believed to be involved in caring for orphans, while children are the heads of about 7 percent of households in the country as a result of the death of both parents due to HIV/AIDS.[1914] The increase in AIDS orphans is associated with a rise in the number of street children, many of whom engage in various forms of child labor. A 1998 report estimated that there are some 75,000 street children in Zambia, 40 percent of whom are orphans. Over two-thirds of these children are between the ages of 6 and 14 years and most are boys.[1915]

2. Children's Participation in School

During the years of 1996 and 1997, the primary gross attendance rate was 91.7 percent, and the primary net attendance rate was 67.4 percent.[1916] The 1999 CLS found that some 55 percent of children 5 to 17 years old were attending school at the time of the survey.[1917]

[1909] "1999 Child Labor Survey" at 2.7.

[1910] Ibid at Table 4.1.

[1911] The Zambia Congress of Trade Unions (ZCTU) conducted a pilot child labor survey in 1995 with support from the International Confederation of Trade Unions (ICFTU), "Prevention, Withdrawal and Rehabilitation of Children," "Interim Poverty Reduction Strategy Paper" (Lusaka: Republic of Zambia, July 7, 2000), Section 14 [hereinafter "Interim Poverty Reduction Strategy Paper." *See also* Mutantika and Nyirenda interview.

[1912] "National Programme on the Elimination of Child Labour in Zambia" (Geneva: International Labor Organization, 1999) [document on file] [hereinafter "National Programme on the Elimination of Child Labour."]

[1913] Interview with Peter McDermott of UNICEF by U.S. Department of Labor official in Lusaka (August 4, 2000).

[1914] The growing number of HIV/AIDS orphans has often surpassed the capacity of extended families to provide for them; *see* "Prevention, Withdrawal and Rehabilitation of Children", 63. Other estimates suggest that 75 percent of all households are involved in caring for at least one orphaned child; see *Country Reports on Human Rights Practices for 1999* (Washington, D.C.: U.S. Department of State, 1999) (www.state.gov/www/global/human_rights/1999_hrp_report) [hereinafter *Country Reports 1999—Zambia*].

[1915] Other reports suggest that the number of street children in Lusaka was as high as 90,000 in 1998. *Orphans and Vulnerable Children: A Situation Analysis—Zambia 1999*, A Joint USAID, UNICEF, SIDA Study Fund Project (Lusaka: NHPP), 19 [hereinafter *Orphans and Vulnerable Children*]. See *Prospects for Sustainable Human Development in Zambia: More Choices for Our People* (Lusaka: the Government of Zambia and the United Nations System in Zambia, December 1996), 44-45 [hereinafter *Prospects for Sustainable Human Development in Zambia*]. *See also* G. Lungwangwa and M. Macwan'gi, *Street Children in Zambia: A Situation Analysis* (Lusaka: UNICEF, December 1996), as cited in *Orphans and Vulnerable Children* at 71.

[1916] USAID, *GED 2000: Global Education Database* [CD-ROM], Washington, D.C., 2000.

[1917] "1999 Child Labor Survey" at Table 3.10.

Of children entering grade one, one-third do not complete schooling through grade seven.[1918] It is estimated that three out of four children drop out of primary school because of the costs involved.[1919] Repetition rates have also been on the rise.[1920]

Children face many obstacles in accessing schooling. Schools in Zambia suffer from a lack of trained teachers, teaching and learning materials, school furniture, and poor school infrastructure.[1921] Zambia's HIV/AIDS crisis is further weakening the educational system by the growing teacher absences, attrition, and the number of school-age orphans.[1922]

Gender appears to have an impact on children's schooling, with girls' ability to complete school tending to be lower than that of boys, especially in rural areas.[1923] Enrollment of girls is also lower than that of boys (around 10 percent lower in 1999) and this gender disparity appears to be growing.[1924] Girls face particular challenges in pursuing an education in Zambia, with declining enrollment and a higher dropout rate than that of boys. Many girls leave school prematurely due to early marriages and pregnancies.[1925]

An estimated 40 percent of school-age children in rural areas do not attend school.[1926] It is estimated that over one-half of the poorest families in Zambia live 5 kilometers or more away from the nearest feeder road, making access to schools particularly challenging.[1927] Of those that enroll, a majority leaves school after four years, in many cases because upper-grade schools are located too far away from where they live.[1928] In some instances, parents in rural areas do not perceive schooling to be a better use of their children's time than work because they question whether literacy will lead to a better job for their children later in life.[1929]

According to a 1999 study of vulnerable children, although communities frequently identified education as important, parents and guardians often could not afford the costs of

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[1918] U.S. Agency for International Development, "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 [hereinafter "Overview of USAID Basic Education Programs"].

[1919] UNICEF, "Children in Jeopardy: The Challenge of Freeing Poor Nations from the Shackles of Debt," New York, 1999, 12 [hereinafter "Children in Jeopardy"].

[1920] Repetition rates increased from 7 percent in 1991 to 13 percent in 1993. *See* "GRZ/UNICEF Programme of Cooperation 1997-2001, Mid-Term Review: Education for All Programme" (Lusaka: Government of Zambia and UNICEF, September 1999), 3.

[1921] "Programme of Cooperation between the Government of the Republic of Zambia and UNICEF for the Children and Women of Zambia, 1997-2001" (Lusaka: Government of the Republic of Zambia and UNICEF, March 1997), 3. See also *Prospects for Sustainable Human Development in Zambia* at 42.

[1922] "The United States Agency for International Development: Congressional Presentation 2000" (www.usaid.gov/pubs/cp2000/afr/zambia.html) [hereinafter "Congressional Presentation 2000"].

[1923] "Overview of USAID Basic Education Programs" at 95.

[1924] More than one-half of children in primary school do not have exercise books; *see* "Children in Jeopardy" at 5.

[1925] "Congressional Presentation 2000"; see also *Prospects for Sustainable Human Development in Zambia* at 47.

[1926] "Prevention, Withdrawal and Rehabilitation of Children" at 63.

[1927] "Children in Jeopardy" at 15.

[1928] "Prevention, Withdrawal and Rehabilitation of Children" at 64.

[1929] Ibid.

school fees, uniforms, and books. When families were unable to pay for school fees and uniforms, the children were often taken out of school.[1930]

3. Child Labor Law and Enforcement

Zambian law pertaining to the subject of child labor is somewhat ambiguous. The Zambia Constitution (1991) provides for the protection of young persons from exploitation and prohibits forced labor. The constitution defines a "young person" as any person under the age of 15, and 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... [1931]

The constitution allows, however, for an Act of Parliament to allow for the employment of a young person for a wage under certain conditions.[1932]

The Employment of Young Persons and Children Act (1933), Chapter 274 defines a child as anyone 14 years old or younger, and establishes 14 as the minimum age for employment.[1933] Children engaged in work in subsistence agriculture, domestic service or the informal sector, however, are not covered by this law.[1934] Zambian law provides for penalties in the case of illegal employment of a child or young person, but there have been no prosecutions for violations of the law.[1935]

There are three separate ministries charged with protecting and providing for the welfare of children and young persons.[1936] The Ministry of Labor and Social Security (MLSS) has the overall responsibility for the protection and welfare of workers. The MLSS enforces the country's labor laws, including those related to child labor. The Ministry of Sports, Youth and Child Development (MSYCD) is responsible for the protection and welfare of children, through enforcement of laws related to children's rights. The Ministry of Community Development and Social Services (MCDSS) provides assistance to children in difficult circumstances by working

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[1930] *Orphans and Vulnerable Children* at 25; s*ee also* M. J. Kelly, *Primary Education in a Heavily Indebted Poor Country: The Case of Zambia* (Lusaka: OXFAM and UNICEF, October 1998), as cited in *Orphans and Vulnerable Children* at 84.

[1931] Article 24 [Protection of Young Persons from Exploitation], Constitution of the Republic of Zambia, August 1991.

[1932] Ibid.

[1933] According to Zambia's laws, a person younger than the age of 14 is considered a child, while a person younger than 18 years is considered a young person. *See* "Prevention, Withdrawal and Rehabilitation of Children." The Employment of Young Persons and Children Act states that "a young person shall not be employed on any type of employment or work, which by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of that young person."

[1934] *Country Reports 1999—Zambia*, Section 6.d..

[1935] "Prevention, Withdrawal and Rehabilitation of Children" at 65.

[1936] U.S. Embassy-Lusaka, unclassified telegram no. 003293, July 24, 2000 [hereinafter unclassifed telegram 003293].

with communities to assist disadvantaged children to access schooling, including through vocational training.[1937] None of these agencies, however, is responsible for inter-ministerial coordination.[1938]

The Government of Zambia ratified International Labor Organization (ILO) Convention No. 138 on the Minimum Age for Employment on February 9, 1976, and ILO Convention No. 182 on the Worst Forms of Child Labor on December 10, 2001.[1939]

4. Addressing Child Labor and Promoting Schooling

a. Child Labor Initiatives

Zambia's Central Statistical Office, working with the ILO's Statistical Information and Monitoring Program on Child Labor (SIMPOC) and with financial support from the U.S. Department of Labor (USDOL), began work on a child labor survey in 1999. The main goals of SIMPOC are to increase the available base of quantitative and qualitative data on child labor while enhancing local capacity to conduct and analyze such surveys.[1940]

In 2000, the Government of Zambia signed a Memorandum of Understanding with the ILO, becoming a member of the ILO's International Program on the Elimination of Child Labor (ILO-IPEC). With financial support from USDOL, ILO-IPEC initiated a national program to address child labor.[1941] This program seeks to contribute to the progressive elimination of child labor in Zambia, especially its worst forms, with a focus on prevention, withdrawal, rehabilitation, and provision of alternatives for working children. The program aims to help strengthen the government's capacity to address child labor through the development of a national plan of action and a review of the degree to which national legislation is harmonized with international standards. The program seeks to withdraw at least 1,400 working children from hazardous and exploitative work in prostitution, domestic service, work on the streets ("street children"), and quarrying. As part of the program, children withdrawn from exploitative work are provided with educational alternatives and a number of families provided with income generating opportunities to reduce their reliance on the labor of their children.[1942]

In the same year, Zambia joined four other countries participating in an ILO-IPEC regional project, funded by USDOL, to address child labor in commercial agriculture. The project aims to withdraw 1,500 Zambian children from exploitative work in commercial agriculture, and provide

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[1937] "Prevention, Withdrawal and Rehabilitation of Children" at 65-66.

[1938] Unclassified telegram 003293.

[1939] For a list of which countries profiled in Chapter 3 have ratified ILO Conventions No. 138 and No. 182, *see* Appendix C.

[1940] This SIMPOC survey was supported with funding from the U.S. Department of Labor, "Statistical Information and Monitoring Programme on Child Labour: Zambia" (Geneva: International Labor Organization, September 1999) [document on file].

[1941] "National Programme on the Elimination of Child Labour" at 6.

[1942] Ibid at 9.

these children with education and vocational training, as well as health care. In addition, the project will assist selected families in initiating income-generating activities.[1943]

Nongovernmental and community-based organizations are also active in the country. With the support of UNICEF, a group of these organizations that work on children's issues formed the Children In Need (CHIN) network in 1995. CHIN aims to strengthen the capacity of nongovernmental organizations (NGOs) working on children's issues, particularly those dealing with orphans and other vulnerable children.[1944] CHIN is active in seven out of nine provinces in the country.[1945]

b. Educational Alternatives

Education is neither compulsory nor free in Zambia,[1946] and there is no minimum requirement for years of basic schooling provided for in Zambia's laws.[1947] In 1996, however, the Government of Zambia published an "Educating Our Future" policy document that called for increasing the provision of basic schooling from seven to nine years for all children, enhancing the relevance of school curriculum, promoting educational cost sharing, and improved management of schools.[1948]

The Government of Zambia aims to achieve universal primary education by the year 2005.[1949] In 1999, the Government of Zambia began implementation of a Basic Education Sub-Sector Investment Program (BESSIP) as part of its Education Sector Investment Program (ESIP), a national program designed to improve access, quality and relevance of education, to optimize the use of resources, and to move management closer to the points of delivery.[1950] Through BESSIP, the Ministry of Education is seeking to provide assistance to 20,000 disadvantaged and vulnerable children whose parents are unable to meet their school requirements such as uniforms, fees, and school supplies.[1951] Implementation of BESSIP is scheduled to continue until 2005, at which time it is hoped that 100 percent school gross enrollment (up from 84 percent in 2000) and 90 percent net enrollment (up from 69 percent in 2000) will be achieved. Improvement in the quality of education is another goal of the program.[1952]

[1943] "Prevention, Withdrawal and Rehabilitation of Children."

[1944] "National Programme on the Elimination of Child Labour" at 5. *See also* UNICEF, "UNICEF in Zambia," Lusaka, 13.

[1945] Interview with Ann Mulula of CHIN by U.S. Department of Labor official in Lusaka, August 4, 2000.

[1946] *Country Reports 1999—Zambia*.

[1947] "Prevention, Withdrawal and Rehabilitation of Children" at 64.

[1948] "1999 Child Labor Survey" at Section 1.5.

[1949] "Interim Poverty Reduction Strategy Paper" at Section 24.

[1950] "Overview of USAID Basic Education Programs" at 95; *see also* "The United States Agency for International Development: Congressional Presentation 2000" (www.usaid.gov/pubs/cp2000/afr/zambia.html).

[1951] ILO, *Technical Progress Report*, National Programme on the Elimination of Child Labour in Zambia (Lusaka: March 2001), 3.

[1952] A total of US$340 million is slated to be invested in BESSIP, with US$167 million coming from the Zambian Government. The goals of BESSIP are highlighted in the government's Interim Poverty Reduction Strategy Paper, reflecting the importance placed on education for children as part of the country's overall development strategy. *See* "Interim Poverty Reduction Strategy Paper" at Section 24.

One approach being used in Zambia to address the needs of vulnerable children who cannot otherwise access schooling is the establishment of community schools, which condense the regular seven-year curriculum found in government schools into four years in order to help children who have fallen behind their peers to catch up. The number of community schools has risen from 20 in 1990 to over 350 in 2000.[1953] Children in these schools are also not required to pay for school fees or uniforms. Teachers for these community schools are usually supported by NGOs, and as a standard for classroom instruction, many teachers use the SPARK (School, Participation, Access and Relevant Knowledge) manual developed by the Zambian Community School Secretariat (ZCSS).[1954]

Effort has also been placed on making education more accessible for children. In 1999, the Ministry of Education initiated an "Out-of-School Radio Education" program with the aim of making schooling more accessible for children who do not attend formal schools, in particular vulnerable groups such as street children.[1955]

In 1997, the government and UNICEF entered into a Program of Cooperation to strengthen local capacities to enhance the welfare of women and children. The program places particular emphasis on protecting children in especially difficult circumstances. It seeks to increase children's access to quality health and nutritional services and to primary education, including through support for Zambia's Education for All program.[1956] The program involves advocacy for primary education; improvements in the quality and relevance of education; expansion of educational opportunities for children, including through alternative community-based approaches; and support for curriculum that responds to the special needs of children.[1957] One of UNICEF's prime goals in Zambia is the creation of a more gender-sensitive school environment through teacher training and awareness raising. Part of this focus involves UNICEF's support for the Program for the Advancement of Girls' Education (PAGE). Initiated in 1994, PAGE aims to increase the enrollment and performance of girls in early schooling.[1958] PAGE seeks to create "girl-friendly" schools through advocacy and sensitization of teachers and the community, and the teacher training aimed at gender sensitivity.[1959]

Another effort aimed at enhancing girls' access to and performance in school, "More Equitable Access to Quality Basic Education and Learning, Especially for Girls," was initiated by

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[1953] Government of Zambia, Ministry of Education, "Promotion of Partnership in Education Provision" (www.education.gov.zm/promotio.html); cited July 30, 2001.

[1954] *Orphans and Vulnerable Children* at 26.

[1955] Henry Chilufya, "Radio Schools May Bridge Education Gap" [online], Pan-African News Agency, Lusaka, Zambia, April 22, 1999 (www.africanews.org/PANA/news/19990422/feat5.html).

[1956] Government of Zambia and UNICEF, "Master Plan of Operations and Programme Plans of Operation for a Programme of Cooperation between the Government of the Republic of Zambia and UNICEF for the Children and Women of Zambia, 1997-2001," Lusaka, March 1997, 6-8, 10, 15 [hereinafter "Master Plan of Operations and Programme Plans"].

[1957] "Programme Plan of Operations for Education for All, 1997-2001," in "Master Plan of Operations and Programme Plans" at 15-17.

[1958] "USAID-Zambia: Education" (www.usaid.gov/zm/education/so2.htm); cited July 30, 2001.

[1959] PAGE's motto is "A Girl-Friendly School Is a Child-Friendly School." *See* "Master Plan of Operations and Programme Plans" at 17.

the U.S. Agency for International Development (USAID) in 1998. Working with Zambia's Ministry of Education, the program's goal is to enhance the country's system of basic education to ensure high quality and equity at a reasonable cost, with a special emphasis on increasing access for girls. Scheduled to run through 2003, the program seeks to improve curricula to support girls' education and improve the Ministry of Education's capacity at both national and local levels.[1960]

As a whole, the Zambian education system has deteriorated significantly over the last 20 years.[1961] Per capita public expenditure on education has fallen from US$28 in 1975 to US$9 by 1990, with spending on primary education per capita falling from US$11 to US$2 during the same period. Along with this decline came a shifting of the burden for certain education expenses from the state to the family.[1962] While the government provides for teacher salaries, families pay school fees that cover the expense of school maintenance and text books. Families must also cover the cost for exercise books, school supplies, and uniforms.[1963] A school's management committee, and not the government, is responsible for setting the level for school fees and requirements for uniforms.[1964] The growing reliance upon family contributions for schooling through fees and other school funds has had a negative effect on children's participation in schooling.[1965]

The share of government spending devoted to education declined in Zambia from a high in 1984 of 16 percent to 11 percent in 1993. Real annual public expenditure on education (measured in constant 1985 prices) dropped from a peak level in 1982 to approximately 50 percent of that level in the years from 1986 to 1993.[1966] In 1995, government spending on education as a percentage of gross national product (GNP) was 2.2 percent.[1967] Public spending on primary education as a percentage of GNP was 1.4 percent in 1998.[1968]

[1960] USAID-Zambia Program Activity Sheet for "More Equitable Access to Quality Basic Education and Learning, Especially for Girls" (www.usaid.gov/pubs/cp2000/afr/zambia.html); cited July 30, 2001.

[1961] The first decade of Zambian independence (1964-1974) coincided with a strong world market for one of the country's major natural resources: copper. The decline of world copper prices in the 1970's had a major effect on government revenue and led to a decline in public expenditure in areas such as education. Whereas in 1975 public spending on education amounted to 7 percent of gross domestic product (GDP), the percentage had fallen to 3 percent by 1990. *See* Helena Skyt Nielson, "Child Labor and School Attendance: Two Joint Decisions," Working Paper No. 98-15 (Aarhus, Denmark: University of Aarhus, Centre for Labour Market and Social Research, October 1998),1 [hereinafter "Child Labor and School Attendance"].

[1962] "Child Labor and School Attendance" at 1.

[1963] *Orphans and Vulnerable Children* at 25. School fees for the early years of schooling typically range from K2,000 (US$0.82 in 1999) to K6,000 (US$2.47 in 1999) for the year, while a school dress would cost roughly K15,000 (US$6.19 in 1999). *See Also* National Programme on the Elimination of Child Labour.

[1964] *Orphans and Vulnerable Children* at 25. School fees for the early years of schooling typically range from K2,000 (US$0.82 in 1999) to K6,000 (US$2.47 in 1999) for the year, while a school dress would cost roughly K15,000 (US$6.19 in 1999).

[1965] Government of Zambia and UNICEF, "GRZ/UNICEF Programme of Cooperation, 1997-2001, Mid-Term Review: Education for All Programme," Lusaka, September 1999, 3.

[1966] *Prospects for Sustainable Human Development in Zambia* at 67-68.

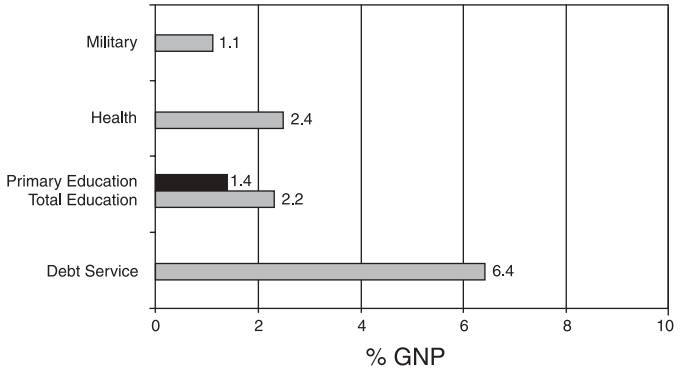
[1967] *World Development Indicators 2000* [CD-ROM].

[1968] United Nations Educational, Scientific, and Cultural Organization (UNESCO), Institute for Statistics [CD-ROM], *Education for All: Year 2000 Assessment*, Country Report, Zambia (Paris, 2000).

5. Selected Data on Government Expenditures

The following bar chart presents selected government expenditures expressed as a percentage of GNP. The chart considers government expenditures on education, the military, health care, and debt service. Where figures are available, the portion of government spending on education that is specifically dedicated to primary education is also shown.[1969]

Selected Government Expenditures as a Percentage of Zambia's Gross National Product



NOTE: Data for each indicator refer to most recent year available during the period from 1989-1999. See detailed tables in Appendix B for specific years.

SOURCES: World Bank, *World Development Indicators 2000* [CD-ROM], Washington, D.C., 2000; UNESCO, Institute for Statistics, *Education for All: Year 2000 Assessment—A Decade of Education* [CD-ROM], Paris, 2000.

While it is difficult to draw conclusions or discern clear correlations between areas of government expenditure as a percentage of GNP and the incidence of child labor in a country, this chart and the related tables presented in Appendix B (Tables 14 through 19) offer the reader a basis for considering the relative emphasis placed on each spending area by the governments in each of the 33 countries profiled in the report.

[1969] *See* Chapter 1, Section C, 5, for a fuller discussion of the information presented in the box. *See also* Appendix B for further discussion, and Tables 14 through 19 for figures on government expenditure over a range of years.

APPENDIX A:
CHILD LABOR DATA METHODOLOGY

The purpose of this addendum is to describe the methods for collecting child labor data and discuss the challenges of collecting accurate estimates on working children. Presently, there is no internationally endorsed definition of 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 reliable statistics on working children.

Statistics from the individual country profiles presented in this report are taken from various sources. These sources include estimates from nongovernmental organizations (NGOs), international agencies, and government household surveys. In some instances, a range of statistics on the extent of working children may be given for a single country to reflect the varying degrees of measurement within a country. The following discussion seeks to introduce the reader to the challenges in constructing child labor statistics and describe the existing methods for collecting child labor data.

A. Child Labor Definitions & Concepts

Definitions of what constitutes a "child" and what classifies "labor" vary from one country to another. As a result, how a country chooses to construct a child labor statistic greatly influences the estimates of working children as well as the comparability of figures across countries. Although not a comprehensive list, the reader should consider the following key concepts associated with measuring child labor that may give rise to disparities in definitions and estimates of working children.

1. Child Labor vs. Child Work

Statistics on the labor force activity of children are often reported as a single estimate, and do not distinguish between "child labor" and "child work."[1970] It is important to differentiate between these two concepts because not all work performed by children is considered child labor. Child work is not considered to be harmful to or exploitative of children.[1971] It can include performing light work after school, household chores, or legitimate apprenticeship programs. Work that is considered child labor 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.[1972]

[1970] Richard Anker, "The Economics of Child Labour: A Framework for Measurement," *International Labour Review*, vol. 139 (2000): 257-80.

[1971] Ibid.

[1972] *See* ILO Convention No. 138 on Minimum Age for Employment and ILO Convention No. 182 on the Worst Forms of Child Labor.

2. Economically Active Children

The primary vehicle for gathering information on working children is through household surveys such as national census or labor force surveys. Data collected on child labor from household surveys are generally based on the definition of the "economically active population". The concept of the economically active population was adopted by the Thirteenth International Conference on Labor Statisticians in 1982, and is defined as:

All persons of either sex who furnish the supply of labor for the production of economic goods and services as defined by the United Nations systems of national accounts and balances during a specified time-reference period. According to these systems the production of economic goods and services includes all production and processing of primary products whether for the market, for barter or for own consumption, the production of all other goods and services for the market and, in the case of households which produce such goods and services for the market and the corresponding production for own consumption.[1973]

There are several limitations to using this definition of the economically active population when measuring child labor. According to this definition, persons in "paid" or "unpaid"[1974] employment, military personnel, and the unemployed[1975] are included in the economically active population. For children working in informal work settings, non-economic activities, and "hidden" forms of work, household surveys using the definition of the economically active population to measure labor force activity do not capture the full extent of child labor, and are therefore likely to yield underestimates of the number of child laborers. This is particularly true for collecting gender-sensitive data on child labor, since most girls engage in unpaid, domestic work activities in comparison to boys.[1976]

3. Formal vs. Informal Sector

Estimates of child labor are often based on the number of children working in the "formal sector" as opposed to the "informal sector". Because businesses in the informal sector are not usually included in official statistics,[1977] children working in informal enterprises are not counted in labor force activity rates. Informal sector employment can consist of unpaid family workers, work with unregistered businesses, or establishments where there are less than five or 10 people working.[1978]

[1973] Source and Methods: Labour Statistics, vol. 10, *Estimates and Projections of the Economically Active Population 1950-2010* (ILO: Geneva, 2000).

[1974] Unpaid workers include family members engaged in the production of economic goods and services for their own and/or household consumption. Domestic work in an individual's own household, such as cleaning, cooking, and caring for other family members, is not traditionally included in the definition of economically active persons.

[1975] Persons considered to be unemployed include those currently looking for work and first-time job seekers.

[1976] UNICEF, "Child Domestic Work," *Innocenti Digest* (Florence, Italy: International Child Development Centre, 1999).

[1977] International Labor Organization, *Informal Sector: Who Are They?* [online] (http://www.ilo.org/public/english/employment/skills/informal/who.htm); cited March 30, 2001.

[1978] Ibid.

The International Labor Organization (ILO) has characterized the informal sector to be largely unregulated, and not controlled by the framework of law, where as the formal sector is regulated by the government and subject to labor legislation.[1979] A more precise account 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."[1980] 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.[1981] Because employers in the informal sector are not accountable for complying with occupational safety measures, it is likely that children who work in "hazardous" or "ultra-hazardous" settings may 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.

4. Hidden and Worst Forms of Child Labor

Another factor that results in the underreporting in child labor data is the number of children who are working in "hidden" or illegal sectors of the economy. It is very difficult to be able to enumerate children who are trafficked, forced to work as debt laborers or prostitutes, or recruited into armed conflict by using traditional government census or household surveys. As a result, statistics on working children usually do not include the worst forms of child labor, and this undercounts the true number of child laborers.[1982]

B. Survey Methodology and Child Labor

The previous section described the complexities associated with defining and accurately measuring child labor. These challenges make the process of collecting accurate estimates on working children difficult. This section will address issues important to measuring the extent and magnitude of child labor.

For the majority of countries, household surveys such as labor force and census surveys are the primary instruments for measuring child labor.[1983] The use of large-scale probability sampling in survey research allows estimates to be generalized to a broader target population.

[1979] Ibid.

[1980] International Labor Organization, 15th International Conference of Labor Statisticians, January 19-28, 1993, Geneva.

[1981] Ibid.

[1982] Efforts are underway to capture through rapid assessments the worst forms of child labor by a combination of quantitative and qualitative techniques. For a fuller discussion of the rapid assessment methodology, refer to International Labor Organization, United Nations Children's Fund [online], *Investigating Child Labor: Guidelines for Rapid Assessment* (http://www.ilo.org/ public/english/standards/ipec/simpoc/guides/rapass.pdf).

[1983] Some survey programs include questions on working children with the purpose of capturing information on child labor. The ILO-IPEC's Statistical Information Monitoring Program on Child Labor (SIMPOC) is specifically designed to measure the extent and nature of child labor in a country, while UNICEF's Multiple Indicator Cluster Surveys (MICS) and the World Bank's Living Standards Measurement Survey (LSMS) contain some questions related to the child labor in their surveys. Interagency efforts among these three organizations to standardize data

The following discussion explains survey methodology issues relating to "who" the surveys target, "when" they are administered, and "how" data are collected. These topics affect the validity and cross-country comparability of data. Despite the limitations discussed, surveys that gather information on child labor provide baseline information on children working in certain types of work, describe the social and demographic characteristics of children and their families, and explain causes that lead children to work.

1. Universe Selection

In statistics the "universe" refers to the population or group of individuals being studied. The two parameters that typically define the universe of in child labor surveys are the age range of respondents and the definition of "economic activity." How a country chooses to define a particular universe shapes the outcome and cross-country comparability of a statistic. Not all countries or organizations use the same age range or set of activities and conditions to define child labor. When reporting on child labor statistics it is important to include age range used for children in the sample, the number of working children, and the total population of children for the same age range to get a fuller picture of the situation of working children in a particular country.

The age range used to specify the universe of working children in a given country often does not coincide with that country's legal definition of child labor. In accordance with ILO Convention No. 138 on the Minimum Age for Employment, many countries' legal standards classify working children under the age of 15 or 14 years as child laborers, while other countries consider individuals up to age of 21 who are employed in hazardous conditions to be child laborers.[1984] Since work is legally prohibited below a certain age, most national labor force surveys and censuses do not even collect information on working children below the age of 15, while other governments place a lower age limit of five years on data collected.[1985]

The ILO's International Program on the Elimination of Child Labor (ILO-IPEC) child labor surveys usually defines the universe of children to be individuals between the ages of 5 and 17.[1986] However, the ILO's Bureau of Statistics (STAT) *Economically Active Population, 1950*-2010 database reports on the labor force activity rates of children between the ages of 10 to 14.[1987]

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collection efforts are under way. For more information, *see* "Understanding Children's Work" at http://www.ucw-project.org/.

[1984] International Labor Organization (ILO), *Child Labour: Targeting the Intolerable*, Geneva, 1996.

[1985] ILO, *Yearbook of Labour Statistics*, Geneva, 2000.

[1986] ILO, "Sampling Design for Household-Based Child Labour Survey" [online]; *see* http://www.ilo.org/public/english/standards/ipec/ simpoc/simpoc00/page3.htm#c3-2.

[1987] ILO, *Yearbook of Labour Statistics*, Geneva, 2000, *See Also World Development Indicators 2000.*

2. Reference Period

The reference period relates to the associated timing of information asked of the respondent during a survey. Census and employment surveys collect information on labor force activity by asking respondents whether they have worked during a specified "reference period". In collecting labor information, reference periods are generally classified in relation to short-term and long-term employment status. The short-term reference period typically measures "current work activity" during the past week (or last seven days), while the long-term reference period determines "usual work activity" over the last year (or last 12 months).[1988] Because some child labor is seasonal, such as agriculture, it is important to conduct a survey during the time it coincides with activities associated with children's work so that these activities are captured within the reference period.[1989] Otherwise, statistics will produce underestimates on the number of working children.

3. Sampling and Non-Sampling Errors

In all household surveys, differences in the quality of data are attributed to both sampling and non-sampling errors, but because of the sensitivities surrounding child labor issues, surveys on working children are more subject to these types of errors.[1990] Sampling error refers to errors resulting from sample frame selection, sample size, and the stratification of samples. Since child labor surveys usually derive their samples from the enumeration areas of census and labor force surveys, sampling areas may not exactly represent the localities of where child laborers may be found, especially if a majority of working children reside in remote rural areas. Non-sampling errors generally stem from survey design, the interpretation of questions by respondents, the capacity and willingness of respondents to provide the correct information, and the inability to contact sample cases. Non-sampling errors may impact the quality of child labor data because of the illegal nature of many children's work. Parents may be hesitant to answer questions honestly, and children may not be able to provide accurate responses.

[1988] Reference periods may also vary by country.

[1989] For example, if a survey were being conducted in October, and the reference period was for the previous six months, activities children may have worked in between the months of November from the previous year to April of the following year would not be included in the data.

[1990] Differing survey processes, field interviewing styles, and quality control procedures influence both cross-country comparability and within-country quality of data.

APPENDIX B:
DETAILED STATISTICAL TABLES

The country studies in this report contain child labor, education, and country expenditure data from a variety of sources. Statistics from the following tables come from sources compiled by agencies that have made some efforts to standardize the data by employing different methodological techniques. Social, demographic, and economic indicators are from the World Bank's *World Development Indicators 2000*, United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s *Education for All: Year 2000 Assessment*, and the U.S. Census Bureau's International Data Base (IDB). Data from these sources are not entirely comparable and readers are asked to use caution when comparing figures from more than one source, as well as comparing data across countries. Different data collection and estimation procedures may affect the accuracy of estimates and comparability of data. The following is a list of the tables presented in this appendix.

A. Data Sources

Listed below are the main sources of data referenced in these tables. Most of the data compiled from these sources are from official government census or household surveys.

1. World Development Indicators

The *World Development Indicators 2000* (WDI 2000) is an annual compilation by the World Bank on development data gathered from several international and government agencies and private nongovernmental organizations around the world. The WDI 2000 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. Labor force, education, and expenditure data for the period of 1995-98 were extracted from the *World Development Indicators 2000* CD-ROM, and referenced in this report.

For more information on the WDI, contact:

Development Data Center
The World Bank
1818 H Street, NW, Room MC2-812
Washington, DC 20433

Phone: (800)590-1906 or (202)473-7824
E-mail: info@worldbank.org
Website: www.worldbank.org/data

2. Education for All 2000 Assessment

The *Education for All: 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 the United Nations Educational, Scientific, and Cultural Organization (UNESCO)'s 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.

For more information on EFA, contact:

EFA Forum Secretariat
7, Place de Fontenoy
75352 Paris 07 SP, France
E-mail: efa@unesco.org
Internet website: www.education.unesco.org/efa

3. International Data Base

The International Data Base (IDB) is a computerized databank maintained by the U.S. Census Bureau's International Program Center (IPC). The IDB contains demographic and socio-economic statistics for 227 countries and areas of the world that include variables on population by age and sex, vital rates, infant mortality, life tables, fertility and child survivorship, migration, marital status, family planning, ethnicity, religion, language, literacy, labor force, employment, income, and other household characteristics. The IDB compiles data from estimates and projections by the U.S. Census Bureau, National Statistics Offices, and specialized agencies of the United Nations such as the International Labor Organization (ILO); the United Nations Educational, Scientific, and Cultural Organization (UNESCO); and the World Health Organization. Statistics for this report used from the IDB were mainly population data for children by age and sex.

For more information on the IDB, contact:

International Programs Center
U.S. Census Bureau
Washington, D.C. 20233-8860

Phone: (301) 457-1403
E-mail: idb@census.gov
Website: www.census.gov/ipc/www/idbnew.html

Table 1. **Labor Force Activity Rates for Children 10 to 14 Years by Country: 1990, 1995, and 1998**

Country	Labor force, children 10-14 (% of age group) [a]		
	1990	1995	1998
Bangladesh	32.5	30.1	28.7
Benin	28.6	27.5	26.9
Bolivia	17.4	14.4	12.6
Brazil	17.8	16.2	15.1
Cambodia	25.6	24.7	24.1
Costa Rica	6.8	5.5	4.7
Dominican Republic	19.0	16.1	14.4
Egypt	13.2	11.2	10.0
El Salvador	16.6	15.2	14.3
Ethiopia	43.5	42.3	41.6
Ghana	14.6	13.3	12.5
Guatemala	18.3	16.2	15.0
Haiti	27.8	25.3	23.8
Honduras	9.9	8.5	7.7
India	16.7	14.4	13.0
Indonesia	11.3	9.6	8.5
Kenya	43.4	41.3	40.0
Lesotho	23.5	22.1	21.3
Mali	57.9	54.5	52.5
Nepal	48.3	45.2	43.3
Nicaragua	16.0	14.0	12.8
Nigeria	27.6	25.8	24.6
Pakistan	20.1	17.7	16.3
Panama	4.5	3.5	2.9
Peru	3.2	2.5	2.1
Philippines	10.6	8.0	6.5
Romania	0.3	0.2	0.1
South Africa	–	–	–
Tanzania	42.1	39.5	37.9
Thailand	20.2	16.2	13.8
Togo	30.4	28.6	27.5
Uganda	46.8	45.3	44.4
Zambia	16.9	16.3	15.9

– = not available

NOTE: The ILO defines the economically active population as those persons who furnish the supply of labor, both paid and unpaid, for the production of economic goods and services as defined by the United Nations systems of national accounts and balances during a specified time-reference period.

[a] Children 10-14 in the labor force is the share of that age group that is active in the labor force. Labor force comprises all people who meet the ILO's definition of the economically active population.

SOURCES: ILO's *Economically Active Population Database, 1950-2010* , in World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000, International Labor Office, Sources and Methods Labour Statistics: Volume 10 Estimates and Projections of the Economically Active Population 1950-2010. Geneva, Switzerland,2000.

Table 2. **Total Population by Age and Sex, 1998**

Country	Total population, all ages			Population, 0-19			Population,0-4		
	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female
Bangladesh	24,064,981	12,404,173	11,660,808	63,746,044	32,675,149	31,070,895	14,320,805	7,374,368	6,946,437
Benin	6,015,384	2,953,151	3,062,233	3,525,815	1,778,597	1,747,218	1,141,389	576,033	565,356
Bolivia	3,162,493	1,610,650	1,551,843	4,015,371	2,041,656	1,973,715	1,104,753	563,868	540,885
Brazil	169,305,705	83,529,959	85,775,746	68,582,588	34,865,582	33,717,006	16,766,745	8,550,440	8,216,305
Cambodia	11,664,468	5,634,588	6,029,880	6,426,591	3,278,905	3,147,686	1,790,461	910,226	880,235
Costa Rica	3,583,162	1,812,014	1,771,148	1,544,624	792,398	752,226	391,785	200,480	191,305
Dominican Republic	8,167,621	4,149,719	4,017,902	3,700,571	1,890,857	180,714	1,009,363	515,575	493,788
Egypt	67,178,624	33,916,704	33,261,920	30,944,565	15,801,864	15,142,701	8,171,174	4,180,726	3,989,448
El Salvador	5,895,283	2,866,814	3,028,469	2,938,187	1,491,867	1,446,320	822,465	420,258	402,207
Ethiopia	60,637,758	30,435,908	30,201,850	34,742,938	17,448,327	17,294,611	11,277,250	5,678,635	5,598,615
Ghana	18,778,980	9,357,887	9,421,093	9,950,660	5,014,256	4,936,404	2,841,535	1,395,078	1,380,370
Guatemala	11,987,539	6,033,455	5,954,084	6,448,296	3,291,521	3,156,775	1,933,514	987,061	946,453
Haiti	6,682,785	3,291,174	3,391,611	3,613,701	1,828,757	1,784,944	943,133	478,517	464,616
Honduras	5,964,775	2,989,877	2,974,898	3,257,394	1,662,390	1,595,004	952,766	487,113	465,653
India	981,666,198	507,627,695	474,038,503	437,459,189	226,425,576	211,033,613	117,034,630	60,075,957	56,958,673
Indonesia	217,414,504	108,552,308	108,862,196	90,752,826	46,045,519	44,707,307	23,746,872	12,086,034	11,660,838
Kenya	29,277,006	14,679,324	14,597,682	16,598,941	8,389,119	8,209,822	4,616,777	2,335,340	2,281,437
Lesotho	2,068,672	1,007,024	1,061,648	1,054,010	529,501	524,509	300,493	151,476	149,017
Mali	10,064,506	4,908,344	5,156,162	5,848,367	2,939,902	2,908,465	1,956,643	986,071	970,572
Nepal	23,560,320	12,072,926	11,487,394	12,363,954	6,382,705	5,981,249	3,583,968	1,844,685	1,739,273
Nicaragua	4,599,689	2,297,003	2,302,686	2,431,447	1,235,959	1,195,488	661,101	336,961	324,140
Nigeria	116,788,347	59,094,917	57,693,430	64,435,391	32,378,759	32,056,632	20,143,680	10,161,028	9,982,652
Pakistan	135,471,351	69,434,157	66,037,194	70,993,539	36,609,971	34,383,568	20,544,951	10,554,915	9,990,036
Panama	2,730,999	1,382,545	1,348,454	1,132,729	577,945	554,784	283,369	143,975	139,394
Peru	26,048,918	13,099,512	12,949,406	12,007,339	6,094,616	5,912,723	3,180,341	1,614,788	1,565,553
Philippines	77,814,259	38,755,200	39,059,059	37,650,129	19,131,660	18,518,469	10,603,758	5,409,050	5,194,708
Romania	22,509,015	11,011,642	11,497,373	6,091,071	311,683	2,979,388	1,167,227	599,653	567,574
South Africa	42,848,801	20,685,577	22,163,224	18,742,789	9,442,696	9,300,093	4,727,894	2,380,570	2,347,324
Tanzania	33,559,264	16,659,451	16,899,783	18,933,417	9,510,835	9,422,582	5,869,025	2,957,363	2,911,662
Thailand	60,062,404	29,666,471	30,395,933	20,457,142	10,413,090	10,044,052	4,734,389	2,412,014	2,322,375
Togo	4,744,119	2,331,620	2,412,499	2,754,517	1,382,806	1,371,711	835,407	421,421	413,986
Uganda	22,059,035	11,034,284	11,024,751	13,583,237	6,819,345	6,763,892	4,571,887	2,297,712	2,274,175
Zambia	9,214,889	4,574,065	4,640,824	5,549,497	2,787,451	2,762,046	1,672,902	841,922	830,980

SOURCE: US Census Bureau [On-line, Site visited on 8/14/01]. International Data Base. On-line: http://www.census.gov/cgi-bin/ipc/idbagg

Table 2a. **Total Population by Age and Sex, 1998 (Continued)**

Country	Population,5-9			Population,10-14			Population,15-19		
	Both Sexes	Male	Female	Both Sexes	Male	Female	Both Sexes	Male	Female
Bangladesh	15,549,037	7,888,906	7,660,131	18,932,780	9,749,499	9,183,281	14,943,422	7,662,376	7,281,046
Benin	943,510	475,962	467,548	782,961	394,679	388,282	657,955	331,923	326,032
Bolivia	1,061,657	541,093	520,564	996,083	505,689	490,394	852,878	431,006	421,872
Brazil	16,588,200	8,449,165	8,139,035	17,390,567	8,831,684	8,558,883	17,837,076	9,034,293	8,802,783
Cambodia	1,646,017	841,295	804,722	1,624,549	835,279	789,270	1,365,564	692,105	673,459
Costa Rica	402,626	205,957	196,669	399,854	204,998	194,859	350,359	180,963	169,396
Dominican Republic	958,961	490,273	468,688	902,278	461,197	441,081	829,969	423,812	406,157
Egypt	7,970,048	4,082,117	3,887,931	7,721,345	3,942,279	3,779,066	7,082,998	3,596,742	3,486,256
El Salvador	740,475	377,851	362,624	719,915	363,912	356,003	655,332	329,846	325,486
Ethiopia	9,349,359	4,704,473	4,644,886	7,623,015	3,816,691	3,806,324	6,493,314	3,248,528	3,244,786
Ghana	2,775,448	1,395,078	1,380,370	2,464,927	1,243,686	1,221,241	1,868,750	943,590	925,160
Guatemala	1,694,697	865,429	829,268	1,507,978	770,119	737,859	1,312,107	668,912	643,195
Haiti	945,591	478,743	466,848	954,678	482,535	472,143	770,299	388,962	381,337
Honduras	871,021	445,092	425,929	761,626	388,790	372,836	671,981	341,395	330,586
India	112,420,901	58,049,293	54,371,608	108,401,483	55,824,779	52,576,704	99,602,175	52,475,547	47,126,628
Indonesia	22,309,363	11,341,590	10,967,773	22,040,822	11,171,654	10,869,168	22,655,769	11,446,241	11,209,528
Kenya	4,191,756	2,120,063	2,071,639	4,145,497	2,093,053	2,052,444	3,644,911	1,840,663	1,804,248
Lesotho	276,423	138,981	137,442	253,882	127,310	126,572	223,212	111,734	111,478
Mali	1,523,905	765,750	758,155	1,274,184	639,321	634,863	1,124,427	564,024	560,403
Nepal	3,225,415	1,667,089	1,558,326	2,934,507	1,517,082	1,417,425	2,620,064	1,353,839	1,266,225
Nicaragua	629,806	320,648	309,158	596,160	303,083	293,077	544,380	275,267	269,113
Nigeria	16,813,971	8,437,419	8,376,552	14,531,445	7,283,176	7,248,269	12,946,295	6,497,136	6,449,159
Pakistan	19,186,147	9,894,780	9,291,367	16,997,257	8,773,053	8,224,204	14,265,184	7,387,223	6,887,961
Panama	299,057	152,441	146,616	285,860	146,472	139,388	264,443	135,057	129,386
Peru	3,180,341	1,614,788	1,565,553	2,853,111	1,447,469	1,405,642	2,727,063	1,382,403	1,344,660
Philippines	9,890,357	5,029,687	4,860,670	8,841,936	4,483,504	4,358,432	8,314,078	4,209,419	4,104,659
Romania	1,441,470	736,260	705,210	1,700,401	867,110	833,291	1,781,973	908,660	873,313
South Africa	4,868,894	2,447,877	2,421,017	4,702,352	2,368,981	2,333,371	4,443,649	2,245,268	2,198,381
Tanzania	4,973,058	2,495,523	2,477,535	4,322,643	2,170,374	2,152,269	3,768,691	1,887,575	1,881,116
Thailand	4,734,389	2,412,014	2,322,375	4,978,178	2,530,648	2,447,530	5,770,690	2,930,501	2,840,189
Togo	746,836	373,301	373,535	647,113	323,630	323,483	525,161	264,454	260,707
Uganda	3,696,920	1,854,879	1,842,041	2,980,747	1,497,285	1,483,462	2,333,683	1,169,469	1,164,214
Zambia	1,443,307	723,926	719,381	1,310,930	656,628	654,302	1,122,358	564,975	557,383

SOURCE: US Census Bureau [On-line, Site visited on 8/14/01]. International Data Base. On-line: http://www.census.gov/cgi-bin/ipc/idbagg

Table 3. **Primary School Gross Enrollment Rate by Country: 1989 to 1998**

Country	Primary school enrollment, primary (% gross)[a]									
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Bangladesh	69.2	71.6	–	–	–	–	–	–	–	–
Benin	51.9	58.1	60.9	66.0	66.7	70.5	73.3	77.6	–	–
Bolivia	92.3	94.7	–	–	–	–	–	–	–	–
Brazil	102.0	106.3	106.1	108.6	109.8	112.2	117.6	119.8	124.6	–
Cambodia	127.6	120.9	–	–	121.5	122.4	126.0	109.6	113.3	–
Costa Rica	100.6	100.7	101.7	102.5	102.6	102.3	102.5	103.3	103.5	104.0
Dominican Republic	96.3	96.6	96.9	92.7	95.6	92.8	95.7	93.9	–	–
Egypt	91.6	93.8	93.1	94.2	96.5	97.8	99.8	100.5	101.1	–
El Salvador	81.8	81.1	80.5	83.3	85.0	86.6	87.5	92.9	97.3	–
Ethiopia	36.4	32.7	26.4	22.9	27.2	31.3	37.5	42.9	–	–
Ghana	73.0	75.3	75.1	79.6	80.5	78.7	–	–	–	–
Guatemala	79.1	77.6	81.2	85.1	86.6	85.8	87.5	88.0	88.1	–
Haiti	49.4	47.8	–	–	–	–	–	–	–	–
Honduras	–	–	107.6	109.6	111.6	111.0	–	–	–	–
India	97.5	97.2	97.8	99.8	101.1	100.6	100.2	99.8	–	–
Indonesia	116.0	115.2	114.4	114.3	115.2	114.5	113.4	112.7	–	–
Kenya	98.2	95.0	93.0	91.7	90.5	86.9	84.9	–	–	–
Lesotho	112.9	111.8	112.9	111.7	107.5	109.6	110.9	107.7	–	–
Mali	26.0	26.5	28.1	31.5	34.6	37.2	40.5	45.1	48.9	–
Nepal	100.4	107.7	108.1	110.2	108.9	109.3	109.1	113.0	–	–
Nicaragua	90.4	93.5	97.3	99.5	102.3	104.4	102.6	100.9	101.6	101.0
Nigeria	88.2	91.4	89.8	94.0	98.3	98.0	–	–	–	–
Pakistan	47.3	60.7	65.0	69.4	73.5	–	–	–	–	–
Panama	107.0	106.2	104.8	104.5	104.6	103.7	103.7	105.5	–	–
Peru	117.6	118.5	117.6	116.6	117.7	120.6	122.9	123.2	122.8	–
Philippines	112.1	111.3	110.6	110.1	109.1	109.3	114.1	116.0	116.8	–
Romania	98.4	91.3	88.4	86.5	87.5	94.6	99.9	103.5	–	–
South Africa	120.0	121.6	124.3	126.8	129.2	131.6	132.8	–	–	–
Tanzania	69.4	69.7	69.9	69.0	68.9	67.5	66.8	66.1	66.5	–
Thailand	98.6	99.1	98.9	96.9	94.4	90.6	86.5	86.9	88.9	–
Togo	104.5	109.4	106.8	104.2	101.8	113.3	118.6	119.6	–	–
Uganda	79.4	74.5	75.4	73.5	73.9	73.4	74.3	–	–	–
Zambia	100.7	98.7	99.0	100.2	–	90.8	88.5	–	–	–

– = not available

[a] Gross enrollment rate is the rate of total enrollment, regardless of age, to the population of the age group that officially corresponds to the level of education shown. Primary education provides children with basic reading, writing, and mathematics skills along with an elementary understanding of such subjects as history, geography, natural science, social science, art, and music. For more information, see WDI table 2.10.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 4. **Primary School Gross Enrollment Rate by Country and Sex: 1989 to 1998**

Country	Primary school enrollment, female (% gross)[a]										Primary school enrollment,male (% gross)[b]									
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Bangladesh	62.8	66.3	–	–	–	–	–	–	–	–	75.2	76.5	–	–	–	–	–	–	–	–
Benin	35.0	38.5	40.8	44.8	46.8	50.4	53.5	57.1	–	–	68.8	77.8	81.2	87.3	86.6	90.6	93.2	98.1	–	–
Bolivia	87.8	90.4	–	–	–	–	–	–	–	–	96.6	99.0	–	–	–	–	–	–	–	–
Brazil	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Cambodia	–	–	–	–	110.1	109.9	113.5	99.6	103.5	–	–	–	–	–	132.6	134.5	138.3	119.4	122.9	–
Costa Rica	99.7	100.0	101.2	102.0	102.1	101.8	102.1	103.0	102.9	103.0	101.5	101.4	102.2	103.0	103.0	102.7	102.9	103.5	104.1	104.0
Dominican Republic	96.7	–	–	–	95.5	92.7	–	93.6	–	–	96.0	–	–	–	95.7	92.9	–	94.2	–	–
Egypt	84.3	85.8	85.1	86.6	88.9	90.9	93.1	93.7	94.3	–	98.4	101.4	100.7	101.4	103.7	104.2	106.2	107.0	107.5	–
El Salvador	82.1	81.6	81.0	83.8	85.3	86.6	87.7	92.4	96.4	–	81.5	80.7	80.1	82.8	84.7	86.6	87.4	93.3	98.3	–
Ethiopia	29.2	26.2	22.2	18.8	20.8	23.1	26.9	30.5	–	–	43.5	38.9	30.5	27.0	33.6	39.4	48.1	55.4	–	–
Ghana	65.8	68.4	68.9	73.8	74.9	73.7	–	–	–	–	80.2	82.2	81.2	85.3	86.0	83.6	–	–	–	–
Guatemala	–	–	75.8	79.4	80.8	79.9	81.6	82.1	82.5	–	–	–	86.4	90.6	92.1	91.5	93.1	93.6	93.4	–
Haiti	48.0	46.4	–	–	–	–	–	–	–	–	50.9	49.2	–	–	–	–	–	–	–	–
Honduras	–	–	109.9	111.4	112.4	111.8	–	–	–	–	–	–	105.3	107.9	110.9	110.2	–	–	–	–
India	82.4	83.5	84.7	88.3	90.0	89.6	89.7	89.7	–	–	111.6	109.9	110.0	110.5	111.5	110.9	109.9	109.1	–	–
Indonesia	113.5	113.6	113.3	112.3	113.0	112.1	111.1	110.4	–	–	118.3	116.7	115.4	116.2	117.3	116.8	115.7	114.9	–	–
Kenya	96.3	93.3	91.5	90.5	89.8	86.6	84.9	–	–	–	99.9	96.6	94.5	92.9	91.1	87.1	84.9	–	–	–
Lesotho	125.2	123.4	124.7	121.8	116.0	116.9	117.5	113.7	–	–	100.8	100.4	101.4	101.7	99.2	102.4	104.4	101.8	–	–
Mali	19.1	19.4	20.7	23.6	26.4	29.7	31.8	35.4	39.7	–	32.9	33.5	35.6	39.4	42.8	44.7	49.2	54.8	58.1	–
Nepal	72.7	81.1	84.1	88.3	88.1	90.1	90.9	95.9	–	–	125.9	132.2	130.0	130.3	127.9	126.8	125.7	128.8	–	–
Nicaragua	94.4	96.3	99.7	101.4	103.9	105.6	104.0	102.2	102.9	102.0	86.5	90.8	94.9	97.6	100.7	103.3	101.2	99.7	100.5	100.0
Nigeria	79.5	79.0	78.8	83.1	86.1	86.6	–	–	–	–	96.9	103.7	100.8	104.8	110.4	109.4	–	–	–	–
Pakistan	31.7	39.0	41.9	44.3	45.4	–	–	–	–	–	62.1	81.5	87.3	93.5	100.6	–	–	–	–	–
Panama	105.1	104.1	–	–	–	–	–	–	–	–	108.9	108.3	–	–	–	–	–	–	–	–
Peru	–	–	116.0	–	–	–	121.2	–	–	–	–	–	119.2	–	–	–	124.6	–	–	–
Philippines	109.6	109.3	–	–	109.7	–	113.1	–	–	–	114.7	113.2	–	–	108.5	–	115.1	–	–	–
Romania	98.1	91.4	88.2	86.0	87.0	94.0	99.2	102.7	–	–	98.7	91.2	88.6	86.9	88.0	95.2	100.6	104.3	–	–
South Africa	118.9	120.6	123.1	125.5	127.8	128.7	130.8	–	–	–	121.0	122.7	125.6	128.1	130.6	134.5	134.8	–	–	–
Tanzania	68.7	69.1	69.1	67.9	67.8	66.7	66.1	65.5	66.1	–	70.1	70.3	70.7	70.2	69.9	68.3	67.5	66.7	66.8	–
Thailand	–	98.0	97.9	95.8	–	–	–	–	–	–	–	100.0	99.8	98.0	–	–	–	–	–	–
Togo	82.1	86.5	85.4	83.4	81.5	91.9	97.2	99.4	–	–	126.9	132.3	128.1	125.0	122.0	134.6	140.0	139.6	–	–
Uganda	–	66.0	68.7	65.1	67.8	70.5	67.8	–	–	–	–	82.9	82.1	82.0	80.0	76.3	80.9	–	–	–
Zambia	–	–	–	–	–	87.7	85.6	–	–	–	–	–	–	–	–	93.8	91.4	–	–	–

– = not available

[a] Gross enrollment rate is the rate of total female enrollment, regardless of age, to the population of female children in the age group that officially corresponds to the level of education shown.

b Gross enrollment rate is the rate of total male enrollment, regardless of age, to the population of male children in the age group that officially corresponds to the level of education shown.

NOTE: Primary education provides children with basic reading, writing, and mathematics skills along with an elementary understanding of such subjects as history, geography, natural science, social science, art, and music.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 5. **Primary School Net Enrollment Rate by Country: 1989 to 1997**

Country	Primary school enrollment, (% net) [a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	61.9	64.0	65.3	66.2	67.1	68.0	69.5	71.9	75.1
Benin	40.2	45.9	49.0	53.0	54.6	57.3	60.0	63.7	67.6
Bolivia	86.5	91.2	93.4	95.6	96.6	97.5	98.0	98.5	97.4
Brazil	83.4	86.8	86.9	88.2	88.6	90.3	94.7	95.9	97.1
Cambodia	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9
Costa Rica	86.5	86.3	86.5	88.0	88.2	87.2	88.3	90.7	89.0
Dominican Republic	82.1	82.6	83.1	83.5	83.8	81.3	87.3	86.9	91.3
Egypt	87.2	89.0	88.0	88.6	90.5	91.9	94.1	94.9	95.2
El Salvador	74.0	73.4	72.9	75.5	77.2	78.7	79.7	84.5	89.1
Ethiopia	27.9	25.1	20.4	17.8	21.0	24.1	28.4	32.4	35.2
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	65.9	64.7	67.7	71.0	72.2	71.6	73.0	73.4	73.8
Haiti	–	–	–	–	–	–	–	–	–
Honduras	92.6	91.8	91.1	91.6	92.2	91.7	91.2	89.5	87.5
India	75.7	75.4	75.9	77.5	78.4	78.1	77.7	77.4	77.2
Indonesia	98.6	98.6	98.8	98.6	98.9	98.8	98.8	99.0	99.2
Kenya	77.2	74.7	73.1	72.1	71.1	68.3	66.7	65.8	65.0
Lesotho	74.1	73.0	74.4	74.9	72.2	72.7	72.9	70.1	68.6
Mali	20.4	21.2	22.3	24.7	27.0	29.1	31.6	35.1	38.1
Nepal	75.2	80.7	81.0	82.6	81.6	81.9	80.4	79.2	78.4
Nicaragua	71.0	73.7	76.8	80.5	81.4	82.2	80.0	79.0	78.6
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–
Panama	92.1	91.9	90.7	90.5	90.5	89.8	89.8	89.8	89.9
Peru	93.2	92.4	90.2	87.9	87.2	89.7	91.9	93.0	93.8
Philippines	99.9	99.9	99.9	99.6	98.8	99.1	99.9	99.9	99.9
Romania	97.5	90.5	87.3	85.2	88.2	92.7	97.3	99.7	99.9
South Africa	98.0	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9
Tanzania	52.2	51.4	50.6	50.4	49.4	48.0	47.7	47.8	48.4
Thailand	92.1	92.8	93.1	91.8	90.2	87.4	84.7	85.4	88.0
Togo	72.9	75.0	73.0	71.1	69.3	78.1	85.2	81.6	82.3
Uganda	–	–	–	–	–	–	–	–	–
Zambia	85.3	83.7	84.1	85.1	78.9	77.2	75.2	73.6	72.4

– = not available

[a] Net enrollment rate is the rate of the number of children of official school age (as defined by the national education system) who are enrolled in school to the population of the corresponding official school age.

NOTE: Primary education provides children with basic reading, writing, and mathematics skills along with an elementary understanding of such subjects as history, geography, natural science, social science, art, and music. Based on the International Standard Classification of Education (ISCED).

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 6. **Primary School Net Enrollment Rate by Country and Sex: 1989 to 1997**

Country	Primary school enrollment, female (% net)[a]									Primary school enrollment, male (% net)[b]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	56.6	59.7	60.3	61.2	62.1	63.0	64.4	66.6	69.6	66.8	68.0	69.9	70.8	71.8	72.7	74.4	77.0	80.4
Benin	27.3	30.6	32.6	35.9	38.4	41.2	44.2	47.4	50.4	53.1	61.2	65.6	70.3	70.8	73.5	75.8	80.0	84.8
Bolivia	83.3	87.1	89.4	91.6	93.4	95.0	96.1	97.1	94.9	89.7	95.1	97.4	99.5	99.9	99.9	99.9	99.9	99.9
Brazil	80.6	84.0	84.1	85.6	86.3	88.0	90.2	91.9	94.3	86.1	89.6	89.6	90.7	90.9	92.5	99.0	99.9	99.9
Cambodia	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9
Costa Rica	86.6	86.7	87.1	–	–	–	–	–	89.4	86.3	85.9	86.0	–	–	–	–	–	88.6
Dominican Republic	83.3	84.2	85.4	85.8	86.2	83.1	89.2	88.9	93.6	81.0	81.1	80.8	81.2	81.5	79.6	85.4	84.9	89.1
Egypt	80.9	82.1	81.1	82.2	83.8	86.0	88.3	89.4	90.6	93.2	95.6	94.5	94.7	96.7	97.5	99.6	99.9	99.9
El Salvador	74.7	74.2	73.8	76.2	77.7	79.0	80.2	84.4	89.1	73.3	72.6	72.1	74.9	76.7	78.5	79.2	84.5	89.1
Ethiopia	24.0	21.7	18.5	15.6	17.0	18.8	21.8	24.8	27.0	31.7	28.5	22.4	19.9	25.1	29.3	35.1	40.1	43.5
Ghana	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Guatemala	62.7	61.6	64.4	67.5	68.7	68.0	69.4	69.8	70.2	69.1	67.8	70.9	74.4	75.5	75.2	76.4	76.8	77.2
Haiti	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Honduras	96.1	95.3	94.2	94.3	93.3	92.8	92.3	90.6	88.6	89.2	88.4	88.1	89.0	91.1	90.6	90.1	88.3	86.4
India	65.4	66.3	67.2	70.1	71.4	71.1	71.1	71.2	71.0	85.2	83.9	83.9	84.3	85.0	84.6	83.8	83.2	83.0
Indonesia	97.3	97.4	97.7	97.2	98.0	97.8	97.9	98.2	98.6	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9
Kenya	77.6	75.1	73.7	72.9	72.3	69.7	68.3	67.3	66.6	76.8	74.2	72.6	71.4	70.0	66.8	65.2	64.2	63.4
Lesotho	83.1	81.5	82.9	83.1	79.6	79.3	79.4	75.9	74.3	65.2	64.6	66.1	66.9	64.9	66.1	66.5	64.4	63.1
Mali	14.7	15.4	16.5	18.7	20.8	23.4	25.0	27.8	31.2	26.1	27.0	28.1	30.8	33.2	34.7	38.1	42.5	44.9
Nepal	54.4	60.7	63.0	66.1	66.0	67.5	64.3	63.2	62.5	94.4	99.1	97.5	97.7	95.9	95.2	95.2	93.9	93.1
Nicaragua	73.1	75.0	77.6	81.8	82.8	83.6	81.6	80.6	80.2	69.0	72.4	75.9	79.1	79.9	80.9	78.5	77.5	77.0
Nigeria	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Panama	92.4	92.1	90.9	90.6	90.6	89.8	89.1	89.2	90.2	91.8	91.8	90.6	90.4	90.4	89.7	90.4	90.4	89.6
Peru	91.1	90.3	88.9	86.7	85.9	88.5	91.5	92.6	93.3	95.2	94.4	91.4	89.1	88.4	91.0	92.3	93.5	94.2
Philippines	99.9	99.9	99.9	99.2	99.4	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	98.2	98.0	99.9	99.9	99.9
Romania	96.5	90.1	86.6	84.7	88.1	92.4	97.1	99.5	99.9	98.4	90.9	87.9	85.6	88.3	92.9	97.5	99.9	99.9
South Africa	98.4	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9	97.6	99.9	99.9	99.9	99.9	99.9	99.9	99.9	99.9
Tanzania	52.6	51.8	50.9	50.6	49.8	48.6	48.3	48.4	49.1	51.9	51.1	50.3	50.2	49.0	47.3	47.1	47.3	47.7
Thailand	91.1	92.7	93.1	91.8	90.3	87.6	85.7	86.5	89.2	93.1	92.9	93.0	91.8	90.1	87.3	83.6	84.4	86.9
Togo	59.8	62.4	61.4	59.9	57.9	66.3	72.3	69.6	70.2	86.0	87.6	84.6	82.3	80.6	89.9	98.1	93.6	94.3
Uganda	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Zambia	84.3	82.9	83.3	84.3	78.1	76.4	74.4	72.9	71.7	86.3	84.6	84.9	85.9	79.6	78.0	75.9	74.4	73.1

– = not available

[a] Net enrollment rate, female is the rate of the number of female children of official school age (as defined by the national education system) who are enrolled in school to the population of female children in the corresponding official school age.

[b] Net enrollment rate, male is the rate of the number of male children of official school age (as defined by the national education system) who are enrolled in school to the population of male children in the corresponding official school age.

NOTE: Primary education provides children with basic reading, writing, and mathematics skills along with an elementary understanding of such subjects as history, geography, natural science, social science, art, and music. Based on the International Standard Classification of Education (ISCED).

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 7. **Population of Unenrolled Children of Primary School Age by Country: 1989 to 1997**

Country	Unenrolled, primary [a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	6,217,200	6,008,300	5,888,000	5,790,100	5,638,800	5,447,400	5,099,100	4,568,700	3,895,500
Benin	482,540	456,760	447,110	426,590	425,640	410,510	393,850	364,310	330,320
Bolivia	178,990	119,630	90,081	61,634	47,237	36,688	29,391	22,538	39,944
Brazil	4,466,600	3,588,500	3,611,000	3,275,100	3,161,600	2,704,000	1,480,600	1,115,900	783,980
Cambodia	1,001	1,099	1,187	1,266	1,335	1,392	1,437	1,751	1,775
Costa Rica	56,216	58,362	59,754	54,262	55,622	61,886	57,463	46,542	41,952
Dominican Republic	235,880	231,550	227,930	224,840	222,470	264,060	182,170	190,180	127,230
Egypt	916,870	812,430	917,220	891,770	766,820	658,530	484,170	428,150	378,010
El Salvador	323,090	331,320	336,230	302,170	279,720	259,100	246,910	189,310	133,360
Ethiopia	5,269,100	5,653,400	6,217,000	6,662,100	6,631,700	6,615,800	6,459,100	6,315,400	6,264,200
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	497,990	529,090	496,750	456,390	448,170	466,180	454,500	457,390	460,070
Haiti	864,400	904,420	947,500	990,490	1,029,600	1,061,200	1,081,800	1,089,400	1,085,000
Honduras	59,137	67,440	75,139	72,681	69,358	75,557	81,997	100,590	121,890
India	24,283,000	25,059,000	25,079,000	23,792,000	23,067,000	23,735,000	24,456,000	24,993,000	25,434,000
Indonesia	357,000	344,540	306,680	371,100	269,250	295,140	282,280	243,510	191,890
Kenya	1,251,900	1,439,100	1,575,200	1,686,800	1,799,900	2,032,100	2,172,500	2,273,400	2,350,100
Lesotho	80,064	84,977	81,759	81,376	91,635	91,582	92,382	103,990	111,460
Mali	1,157,500	1,178,100	1,192,300	1,183,500	1,175,600	1,169,300	1,154,400	1,119,000	1,093,600
Nepal	622,460	498,800	506,920	479,310	522,320	526,990	585,820	634,640	668,800
Nicaragua	190,820	178,050	161,160	138,450	134,600	130,310	148,800	158,460	163,940
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–
Panama	25,877	26,609	30,898	32,098	32,479	35,432	35,732	35,858	35,819
Peru	220,040	247,940	322,450	399,120	426,630	342,170	272,070	234,440	211,630
Philippines	9,171	9,370	9,544	43,257	118,940	106,510	10,113	10,258	10,407
Romania	35,415	130,270	174,530	206,080	166,890	103,690	37,569	4,022	1,308
South Africa	112,640	5,715	5,800	5,886	5,973	6,059	6,145	6,228	6,309
Tanzania	–	–	–	–	–	–	–	–	–
Thailand	558,970	505,550	485,590	571,860	683,170	872,230	1,059,400	990,310	798,470
Togo	154,930	147,820	164,980	182,340	200,280	147,250	102,750	132,110	131,770
Uganda	–	–	–	–	–	–	–	–	–
Zambia	211,180	240,410	242,300	233,920	341,880	378,610	422,780	457,960	488,840

– = not available

[a] Unenrolled, primary (children out of school) are the number of school-age children not enrolled in primary school.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 8. **Percentage of Unenrolled Children of Primary School Age by Country: 1989 to 1997**

Country	Unenrolled, primary (% of primary-age children) [a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	38.1	36.0	34.7	33.8	32.9	32.0	30.5	28.1	24.9
Benin	59.8	54.1	51.0	47.0	45.4	42.7	40.0	36.3	32.4
Bolivia	13.5	8.8	6.6	4.4	3.4	2.5	2.0	1.5	2.6
Brazil	16.6	13.2	13.1	11.8	11.4	9.7	5.3	4.1	2.9
Cambodia	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Costa Rica	13.4	13.5	13.4	11.8	11.7	12.8	11.6	9.3	8.2
Dominican Republic	17.9	17.4	16.9	16.5	16.2	18.7	12.7	13.1	8.7
Egypt	12.8	11.0	12.0	11.4	9.5	8.1	5.9	5.1	4.8
El Salvador	26.0	26.6	27.1	24.5	22.8	21.3	20.3	15.5	10.9
Ethiopia	72.1	74.9	79.6	82.2	79.0	75.9	71.6	67.6	64.8
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	34.1	35.3	32.3	29.0	27.8	28.4	27.0	26.6	26.2
Haiti	77.1	77.8	78.6	79.3	79.9	80.3	80.6	80.7	80.6
Honduras	7.4	8.2	8.9	8.4	7.8	8.3	8.8	10.5	12.5
India	24.3	24.6	24.1	22.5	21.6	21.9	22.3	22.6	22.8
Indonesia	1.4	1.4	1.2	1.4	1.1	1.2	1.2	1.0	0.8
Kenya	22.8	25.3	26.9	27.9	28.9	31.7	33.3	34.2	35.0
Lesotho	25.9	27.0	25.6	25.1	27.8	27.3	27.1	29.9	31.4
Mali	79.6	78.8	77.7	75.3	73.0	70.9	68.4	64.9	61.9
Nepal	24.8	19.3	19.0	17.4	18.4	18.1	19.6	20.8	21.6
Nicaragua	29.0	26.3	23.2	19.5	18.6	17.8	20.0	21.0	21.4
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–
Panama	7.9	8.1	9.3	9.5	9.5	10.2	10.2	10.2	10.1
Peru	6.8	7.6	9.8	12.1	12.8	10.3	8.1	7.0	6.2
Philippines	0.1	0.1	0.1	0.4	1.2	0.9	0.1	0.1	0.1
Romania	2.5	9.5	12.7	14.8	11.8	7.3	2.7	0.3	0.1
South Africa	2.0	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Tanzania	–	–	–	–	–	–	–	–	–
Thailand	7.9	7.2	6.9	8.2	9.8	12.6	15.3	14.6	12.0
Togo	27.1	25.0	27.0	28.9	30.7	21.9	14.8	18.4	17.7
Uganda	–	–	–	–	–	–	–	–	–
Zambia	14.7	16.3	15.9	14.9	21.1	22.8	24.8	26.4	27.6

– = not available

[a] Unenrolled, primary (%) are the number of school-age children not enrolled in primary school as a share of all primary-school-age children.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 9. **Population of Unenrolled Children of Primary School Age by Country and Sex: 1989 to 1997**

Country	Unenrolled, primary, female								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	3,415,800	3,251,500	3,260,900	3,225,300	3,164,500	3,074,400	2,913,400	2,659,200	2,327,900
Benin	294,200	293,720	296,650	291,990	289,090	283,140	274,700	263,790	252,570
Bolivia	109,990	86,240	72,030	58,094	46,514	35,949	28,635	21,765	39,152
Brazil	2,588,300	2,159,200	2,164,600	1,970,800	1,878,800	1,644,800	1,339,500	1,101,800	770,020
Cambodia	497	546	589	627	660	688	709	864	876
Costa Rica	27,071	27,882	28,086	25,358	25,860	28,878	26,564	20,833	18,574
Dominican Republic	108,640	103,800	96,913	95,280	93,641	117,910	76,245	79,247	46,175
Egypt	665,070	644,220	700,910	678,070	631,040	554,190	467,360	423,950	373,840
El Salvador	155,130	158,470	160,510	144,920	134,760	126,100	118,550	93,508	65,646
Ethiopia	2,738,900	2,925,700	3,163,200	3,406,500	3,484,400	3,542,400	3,539,500	3,525,800	3,539,900
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	267,560	282,620	268,440	250,760	246,880	257,890	251,930	253,950	255,890
Haiti	425,760	445,170	466,100	486,990	506,290	521,300	531,220	534,710	532,400
Honduras	15,355	19,030	24,110	24,289	29,236	32,157	35,194	43,963	54,534
India	16,625,000	16,547,000	16,409,000	15,204,000	14,750,000	15,093,000	15,266,000	15,370,000	15,614,000
Indonesia	343,930	331,460	293,580	357,990	256,110	281,990	269,130	230,360	178,760
Kenya	609,850	700,570	764,300	812,590	855,000	959,040	1,024,000	1,072,800	1,108,400
Lesotho	25,886	28,853	27,117	27,212	33,343	34,378	34,825	41,558	45,283
Mali	623,060	635,250	643,330	641,730	639,740	632,810	633,580	623,580	607,380
Nepal	549,030	486,650	472,100	446,250	461,530	453,830	510,950	537,720	557,580
Nicaragua	87,863	83,853	76,891	63,760	61,351	59,454	67,712	72,353	74,743
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–
Panama	12,174	12,772	14,868	15,539	15,728	17,261	18,629	18,608	16,995
Peru	141,430	155,470	179,340	216,450	230,990	189,510	140,790	123,120	111,910
Philippines	4,553	4,654	4,733	38,353	29,064	4,892	4,945	5,004	5,068
Romania	23,950	66,404	89,805	104,000	82,451	52,587	19,816	3,330	642
South Africa	45,106	2,861	2,904	2,948	2,992	3,036	3,080	3,122	3,163
Tanzania	–	–	–	–	–	–	–	–	–
Thailand	309,680	251,510	236,470	280,570	331,760	422,890	483,850	450,520	353,730
Togo	114,910	111,140	117,890	126,440	137,000	113,220	96,133	109,060	110,540
Uganda	–	–	–	–	–	–	–	–	–
Zambia	111,810	125,150	125,780	121,810	174,990	193,830	215,490	233,070	248,020

– = not available

[a] Unenrolled, primary, female are the number of school-age girls not enrolled in primary school.

[b] Unenrolled, primary, male are the number of school-age boys not enrolled in primary school.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 9a. **Population of Unenrolled Children of Primary School Age by Country and Sex: 1989 to 1997 (Continued)**

Country	Unenrolled, primary, male								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	2,801,400	2,756,800	2,627,200	2,564,800	2,474,300	2,373,000	2,185,800	1,909,600	1,567,600
Benin	188,340	163,040	150,460	134,600	136,550	127,380	119,150	100,520	77,747
Bolivia	68,996	33,394	18,050	3,540	723	739	756	774	793
Brazil	1,878,300	1,429,400	1,446,400	1,304,300	1,282,700	1,059,200	141,100	14,056	13,963
Cambodia	503	553	598	639	675	704	727	886	899
Costa Rica	29,146	30,480	31,668	28,904	29,761	33,008	30,899	25,709	23,378
Dominican Republic	127,240	127,740	131,020	129,560	128,830	146,150	105,930	110,930	81,053
Egypt	251,800	168,210	216,310	213,700	135,780	104,340	16,818	4,204	4,176
El Salvador	167,950	172,850	175,710	157,250	144,960	133,000	128,360	95,806	67,713
Ethiopia	2,530,200	2,727,700	3,053,800	3,255,600	3,147,300	3,073,400	2,919,600	2,789,600	2,724,300
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	230,430	246,470	228,310	205,630	201,290	208,300	202,570	203,440	204,180
Haiti	438,640	459,250	481,410	503,510	523,290	539,920	550,620	554,650	552,640
Honduras	43,782	48,410	51,029	48,392	40,122	43,400	46,803	56,625	67,353
India	7,657,700	8,511,600	8,669,300	8,588,200	8,317,100	8,641,700	9,189,700	9,623,300	9,819,800
Indonesia	13,076	13,083	13,097	13,116	13,136	13,151	13,155	13,148	13,132
Kenya	642,050	738,540	810,930	874,220	944,860	1,073,100	1,148,600	1,200,600	1,241,800
Lesotho	54,178	56,124	54,642	54,164	58,292	57,204	57,557	62,429	66,173
Mali	534,430	542,840	548,950	541,780	535,840	536,470	520,810	495,470	486,190
Nepal	73,438	12,154	34,818	33,065	60,784	73,157	74,872	96,918	111,220
Nicaragua	102,960	94,195	84,268	74,688	73,251	70,858	81,085	86,111	89,198
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–
Panama	13,703	13,837	16,030	16,558	16,750	18,170	17,103	17,250	18,824
Peru	78,607	92,472	143,110	182,670	195,640	152,660	131,280	111,320	99,724
Philippines	4,618	4,716	4,812	4,904	89,875	101,620	5,168	5,254	5,339
Romania	11,466	63,869	84,726	102,070	84,439	51,099	17,753	692	667
South Africa	67,538	2,854	2,896	2,938	2,981	3,023	3,065	3,106	3,147
Tanzania	–	–	–	–	–	–	–	–	–
Thailand	249,290	254,040	249,120	291,290	351,410	449,350	575,510	539,790	444,750
Togo	40,023	36,678	47,090	55,907	63,279	34,030	6,616	23,047	21,231
Uganda	–	–	–	–	–	–	–	–	–
Zambia	99,368	115,260	116,520	112,110	166,890	184,780	207,290	224,900	240,820

– = not available

[a] Unenrolled, primary, female are the number of school-age girls not enrolled in primary school.

[b] Unenrolled, primary, male are the number of school-age boys not enrolled in primary school.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 10. **Percentage of Unenrolled Children of Primary School Age by Country and Sex: 1989 to 1997**

Country	Unenrolled, primary, female (% of primary-age females) [a]									Unenrolled, primary, male (% of primary-age males) [b]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	43.4	40.3	39.7	38.8	37.9	37.0	35.6	33.4	30.4	33.2	32.0	30.1	29.2	28.2	27.3	25.6	23.0	19.6
Benin	72.7	69.4	67.4	64.1	61.6	58.8	55.8	52.6	49.6	46.9	38.8	34.4	29.7	29.2	26.5	24.2	20.0	15.2
Bolivia	16.7	12.9	10.6	8.4	6.6	5.0	3.9	2.9	5.1	10.3	4.9	2.6	0.5	0.1	0.1	0.1	0.1	0.1
Brazil	19.4	16.0	15.9	14.4	13.7	12.0	9.8	8.1	5.7	13.9	10.4	10.4	9.3	9.1	7.5	1.0	0.1	0.1
Cambodia	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Costa Rica	13.2	13.2	12.9	11.3	11.2	12.2	11.0	8.5	7.5	13.6	13.8	13.9	12.3	12.3	13.3	12.2	10.0	9.0
Dominican Republic	16.7	15.8	14.6	14.2	13.8	16.9	10.8	11.1	6.4	19.0	18.9	19.2	18.8	18.5	20.4	14.6	15.1	10.9
Egypt	19.1	17.9	18.9	17.8	16.2	14.0	11.7	10.6	9.4	6.8	4.4	5.5	5.3	3.3	2.5	0.4	0.1	0.1
El Salvador	25.3	25.8	26.2	23.8	22.3	21.0	19.8	15.6	10.9	26.7	27.4	27.9	25.1	23.3	21.5	20.8	15.5	10.9
Ethiopia	76.0	78.3	81.5	84.4	83.0	81.2	78.2	75.2	73.0	68.3	71.5	77.6	80.1	74.9	70.7	64.9	59.9	56.5
Ghana	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Guatemala	37.3	38.4	35.6	32.5	31.3	32.0	30.6	30.2	29.8	30.9	32.2	29.1	25.6	24.5	24.8	23.6	23.2	22.8
Haiti	76.6	77.3	78.1	78.8	79.4	79.8	80.1	80.2	80.1	77.6	78.3	79.1	79.8	80.3	80.8	81.1	81.2	81.1
Honduras	3.9	4.7	5.8	5.7	6.7	7.2	7.7	9.4	11.4	10.8	11.6	11.9	11.0	8.9	9.4	9.9	11.7	13.6
India	34.6	33.7	32.8	29.9	28.6	28.9	28.9	28.8	29.0	14.8	16.1	16.1	15.7	15.0	15.4	16.2	16.8	17.0
Indonesia	2.7	2.6	2.3	2.8	2.0	2.2	2.1	1.8	1.4	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Kenya	22.4	24.9	26.3	27.1	27.7	30.3	31.7	32.7	33.4	23.2	25.8	27.4	28.6	30.0	33.2	34.8	35.8	36.6
Lesotho	16.9	18.5	17.1	16.9	20.4	20.7	20.6	24.1	25.7	34.8	35.4	33.9	33.1	35.1	33.9	33.5	35.6	36.9
Mali	85.3	84.6	83.5	81.3	79.2	76.6	75.0	72.2	68.8	73.9	73.0	71.9	69.2	66.8	65.3	61.9	57.5	55.1
Morocco	51.6	51.6	49.9	46.7	43.0	39.4	36.5	34.6	32.8	30.4	31.0	29.7	26.5	23.2	20.0	17.7	16.6	14.3
Nepal	45.6	39.3	37.0	33.9	34.0	32.5	35.7	36.8	37.5	5.6	0.9	2.5	2.3	4.1	4.8	4.8	6.1	6.9
Nicaragua	26.9	25.0	22.4	18.2	17.2	16.4	18.4	19.4	19.8	31.0	27.6	24.1	20.9	20.1	19.1	21.5	22.5	23.0
Nigeria	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Panama	7.6	7.9	9.1	9.4	9.4	10.2	10.9	10.8	9.8	8.2	8.2	9.4	9.6	9.6	10.3	9.6	9.6	10.4
Peru	8.9	9.7	11.1	13.3	14.1	11.5	8.5	7.4	6.7	4.8	5.6	8.6	10.9	11.6	9.0	7.7	6.5	5.8
Philippines	0.1	0.1	0.1	0.8	0.6	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	1.8	2.0	0.1	0.1	0.1
Romania	3.5	9.9	13.4	15.3	11.9	7.6	2.9	0.5	0.1	1.6	9.1	12.1	14.4	11.7	7.1	2.5	0.1	0.1
South Africa	1.6	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	2.4	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Tanzania	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Thailand	8.9	7.3	6.9	8.2	9.7	12.4	14.3	13.5	10.8	6.9	7.1	7.0	8.2	9.9	12.7	16.4	15.6	13.1
Togo	40.2	37.6	38.6	40.1	42.1	33.7	27.7	30.4	29.8	14.0	12.4	15.4	17.7	19.4	10.1	1.9	6.4	5.7
Uganda	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Zambia	15.7	17.1	16.7	15.7	21.9	23.6	25.6	27.1	28.3	13.7	15.4	15.1	14.1	20.4	22.0	24.1	25.6	26.9

– = not available

[a] Unenrolled, primary, female (%) are the number of school-age girls not enrolled in primary school as a share of all primary-school-age girls.

[b] Unenrolled, primary, male (%) are the number of school-age boys not enrolled in primary school as a share of all primary-school-age boys.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 11. **Percentage of Cohort Reaching Grade 5 by Country: 1989 to 1996**

Country	% of Cohort reaching grade 5 [a]							
	1989	1990	1991	1992	1993	1994	1995	1996
Bangladesh	–	–	–	–	–	–	–	–
Benin	67.9	55.0	67.2	55.3	64.7	60.9	–	–
Bolivia	60.5	–	–	–	–	–	–	–
Brazil	–	–	–	70.3	70.8	–	–	–
Cambodia	–	–	–	–	49.2	–	–	49.0
Costa Rica	84.5	82.4	84.2	85.4	88.0	88.6	87.6	87.0
Dominican Republic	–	–	–	–	–	–	–	–
Egypt	–	–	–	–	–	–	–	–
El Salvador	–	–	58.0	58.3	–	–	76.7	–
Ethiopia	–	–	–	58.1	51.1	55.3	51.0	–
Ghana	–	80.5	–	–	–	–	–	–
Guatemala	–	–	–	–	–	–	49.6	–
Haiti	46.7	–	–	–	–	–	–	–
Honduras	–	–	–	–	59.8	–	–	–
India	–	–	–	–	58.6	–	–	–
Indonesia	84.0	83.6	85.6	92.5	89.4	91.0	88.0	–
Kenya	–	–	–	–	–	–	–	–
Lesotho	65.7	70.6	66.4	60.5	79.7	–	–	–
Mali	61.5	72.0	76.0	82.0	77.0	84.0	84.0	–
Nepal	–	–	52.0	–	–	–	–	–
Nicaragua	44.1	45.6	44.2	54.3	54.2	–	–	51.0
Nigeria	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–
Panama	–	–	–	–	–	–	–	–
Peru	–	–	–	–	–	–	–	–
Philippines	–	–	–	–	–	–	–	–
Romania	–	–	–	–	–	–	–	–
South Africa	–	75.3	–	–	–	75.3	–	–
Tanzania	–	78.9	81.3	83.2	–	–	–	81.0
Thailand	–	–	–	–	–	–	–	–
Togo	67.2	–	–	–	94.0	71.0	–	–
Uganda	–	–	–	–	–	–	–	–
Zambia	–	–	–	–	–	–	–	–

– = not available

[a] Percentage of cohort reaching grade 5 is the share of children enrolled in primary school who eventually reach grade 5. The estimate is based on the reconstructed cohort method. For more information, see WDI table 2.11.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 12. **Percentage of Cohort Reaching Grade 5 by Country and Sex: 1989 to 1996**

Country	% of Cohort reaching grade 5, female [a]								% of Cohort Reaching Grade 5, male [b]							
	1989	1990	1991	1992	1993	1994	1995	1996	1989	1990	1991	1992	1993	1994	1995	1996
Bangladesh	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Benin	63.5	55.9	67.9	54.6	61.4	56.6	–	–	70.1	54.6	66.9	55.7	66.7	63.5	–	–
Bolivia	57.6	–	–	–	–	–	–	–	63.1	–	–	–	–	–	–	–
Brazil	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Cambodia	–	–	–	–	41.9	–	–	46.0	–	–	–	–	55.7	–	–	51.0
Costa Rica	–	84.1	84.9	86.8	89.3	90.3	89.1	–	–	80.8	83.4	84.0	86.7	87.0	86.3	–
Dominican Republic	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Egypt	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
El Salvador	–	–	60.5	59.1	–	–	77.2	–	–	–	55.7	57.6	–	–	76.2	–
Ethiopia	–	–	–	53.6	50.6	53.0	50.0	–	–	–	–	61.1	51.4	56.5	51.0	–
Ghana	–	79.4	–	–	–	–	–	–	–	81.4	–	–	–	–	–	–
Guatemala	–	–	–	–	–	–	47.3	–	–	–	–	–	–	–	51.6	–
Haiti	46.1	–	–	–	–	–	–	–	47.2	–	–	–	–	–	–	–
Honduras	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
India	–	–	–	–	55.0	–	–	–	–	–	–	–	61.5	–	–	–
Indonesia	–	–	–	–	80.9	92.0	88.0	–	–	–	–	–	95.9	90.0	88.0	–
Kenya	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Lesotho	75.3	82.7	73.4	66.3	87.0	–	–	–	55.2	58.1	58.7	54.3	71.8	–	–	–
Mali	53.8	70.0	69.0	77.0	86.0	70.0	–	–	66.5	73.0	81.0	85.0	71.0	92.0	–	–
Nepal	–	–	51.6	–	–	–	–	–	–	–	52.4	–	–	–	–	–
Nicaragua	–	–	–	57.5	56.5	–	–	–	–	–	–	51.2	51.9	–	–	–
Nigeria	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Pakistan	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Panama	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Peru	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Philippines	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Romania	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
South Africa	–	78.7	–	–	–	78.7	–	–	–	72.1	–	–	–	72.1	–	–
Tanzania	–	80.7	82.0	85.4	–	–	–	84.0	–	77.1	80.7	81.1	–	–	–	78.0
Thailand	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Togo	58.2	–	–	–	82.0	60.0	–	–	73.5	–	–	–	98.0	79.0	–	–
Uganda	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Zambia	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

– = not available

[a] Percentage of cohort reaching grade 5 is the share of female children enrolled in primary school who eventually reach grade 5.

[b] Percentage of cohort reaching grade 5 is the share of male children enrolled in primary school who eventually reach grade 5.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 13. **Gross National Product in Current US$ Billions by Country: 1989 to 1998**

Country	GNP at market prices (current US$ in billions)[a]									
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Bangladesh	274.2	304.9	313.9	323.1	339.7	345.3	387.7	415.1	424.1	441.3
Benin	14.6	18.1	18.5	15.8	20.7	14.6	19.7	21.8	21.1	22.8
Bolivia	44.7	46.3	51.0	53.2	55.3	57.9	64.9	73.6	77.7	83.4
Brazil	4,352.3	4,526.3	3,985.9	3,832.0	4,276.3	5,373.7	6,930.1	7,622.5	8,041.4	7,588.7
Cambodia	10.8	11.1	16.3	19.8	20.1	24.0	29.1	31.1	30.4	28.4
Costa Rica	48.5	54.6	53.9	65.3	72.9	81.8	87.9	89.8	95.3	101.7
Dominican Republic	63.8	67.2	72.6	84.4	89.2	97.9	111.8	126.1	142.8	149.6
Egypt, Arab Rep.	391.4	420.7	364.9	401.4	453.7	510.3	597.2	675.3	761.8	855.8
El Salvador	42.5	47.1	52.1	59.0	69.3	79.9	94.0	102.6	111.2	117.9
Ethiopia	79.1	67.9	52.8	55.2	61.5	48.2	57.2	59.7	63.4	64.5
Ghana	51.3	57.7	64.8	63.1	58.5	54.4	64.6	69.3	68.8	75.0
Guatemala	82.3	74.9	93.0	103.3	112.9	128.4	144.8	155.5	175.6	187.7
Haiti	24.9	29.5	35.4	21.4	18.2	19.6	26.2	29.4	28.1	38.6
Honduras	33.0	27.7	28.7	32.5	34.1	32.4	37.0	38.2	45.0	51.6
India	2,932.5	3,186.6	2,680.5	2,596.9	2,756.7	3,263.7	3,599.5	3,934.5	4,171.7	4,264.8
Indonesia	968.9	1,092.1	1,225.7	1,329.4	1,519.9	1,702.8	1,924.7	2,212.8	2,094.4	854.9
Kenya	80.0	80.9	75.9	76.1	45.6	67.6	86.9	89.6	103.3	113.9
Lesotho	8.5	10.3	9.6	10.9	11.1	11.4	12.6	12.8	12.7	10.7
Mali	19.9	24.1	24.2	28.4	26.7	17.4	24.1	26.0	24.6	26.6
Morocco	217.7	248.9	268.1	274.5	257.2	291.8	316.6	351.4	320.8	342.9
Nepal	35.9	37.0	37.7	35.4	38.4	41.2	44.9	45.7	50.0	48.8
Nicaragua	8.0	9.9	12.0	13.5	13.9	12.8	15.3	15.6	16.8	17.8
Nigeria	217.6	255.9	248.6	297.6	190.1	213.1	258.9	330.7	376.2	384.8
Pakistan	393.0	390.4	444.7	476.2	503.1	506.9	594.2	620.1	608.5	610.4
Panama	46.1	50.2	54.2	62.0	69.6	75.0	75.3	78.3	82.4	85.8
Peru	245.9	318.2	273.0	408.0	396.1	484.2	570.5	593.6	624.7	612.6
Philippines	421.3	440.9	456.6	538.9	553.2	657.3	761.7	862.6	857.4	682.1
Romania	415.1	384.6	288.6	250.1	262.1	279.2	326.2	309.1	345.2	376.5
South Africa	924.1	1,075.4	1,170.3	1,275.9	1,277.8	1,334.0	1,482.4	1,399.2	1,444.1	1,304.4
Tanzania	45.6	40.1	45.5	46.8	43.5	40.5	49.7	58.6	70.6	80.6
Thailand	713.3	842.7	967.9	1,089.7	1,227.9	1,415.0	1,646.2	1,765.9	1,492.6	1,127.2
Togo	13.1	16.0	15.7	16.7	12.1	9.3	12.6	14.4	14.8	14.9
Uganda	51.9	42.3	32.6	27.7	31.7	39.4	57.0	60.0	62.8	67.6
Zambia	35.9	30.1	29.9	28.7	30.2	31.1	32.3	30.8	37.1	31.6

– = not available

[a] GNP is the sum of gross value added by all resident producers plus any taxes (less subsidies) that are not included in the valuation of output plus net receipts of primary income (employee compensation and property income) from nonresident sources. Data are in current U.S. dollars.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 14. **Public Spending on Total Education as a Percentage of GNP: 1989 to 1997**

Country	Public spending on education, total (% of GNP, UNESCO)[a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	1.6	1.5	1.6	1.7	–	–	–	2.2	–
Benin	–	–	–	–	–	–	3.2	–	–
Bolivia	2.2	2.5	2.6	–	–	4.9	5.9	4.9	–
Brazil	4.6	–	–	–	–	1.7	5.1	–	–
Cambodia	–	–	–	–	–	–	–	2.9	–
Costa Rica	4.5	4.6	4.5	4.4	4.6	4.6	4.6	5.4	–
Dominican Republic	–	–	–	1.4	1.7	2.0	1.9	2.0	2.3
Egypt	5.7	3.8	4.7	4.4	4.7	4.7	4.8	–	–
El Salvador	2.1	2.0	1.8	1.9	1.8	2.0	2.2	2.3	2.5
Ethiopia	3.5	3.4	3.1	3.4	4.2	4.6	4.0	4.0	–
Ghana	3.5	3.3	–	4.5	4.3	4.3	4.8	4.2	–
Guatemala	1.9	1.4	1.3	1.5	1.6	1.5	1.7	1.7	–
Haiti	1.7	1.5	–	–	–	–	–	–	–
Honduras	4.2	–	4.1	–	–	3.5	3.6	–	–
India	4.0	3.9	3.7	3.7	3.6	3.5	3.3	3.2	–
Indonesia	0.9	1.0	1.1	1.3	1.8	1.4	1.4	1.4	–
Kenya	–	7.1	6.7	6.7	6.5	7.1	6.7	6.5	–
Lesotho	3.7	3.7	6.2	6.6	5.4	6.7	–	8.4	–
Mali	–	–	–	–	–	–	2.2	2.2	–
Nepal	2.3	2.0	2.7	2.9	3.3	2.8	3.3	3.1	3.2
Nicaragua	3.3	3.4	4.3	4.1	3.5	3.9	3.7	3.7	3.9
Nigeria	1.0	1.0	0.5	0.5	0.9	0.9	0.7	–	–
Pakistan	2.6	2.7	2.6	2.4	2.6	2.8	2.8	3.0	2.7
Panama	5.5	4.9	5.0	5.3	5.0	4.7	5.2	5.3	5.1
Peru	2.6	2.3	2.4	2.4	2.6	3.9	–	2.9	–
Philippines	2.9	2.9	3.0	2.3	2.4	–	3.0	3.2	3.4
Romania	–	2.8	3.5	3.6	3.2	3.0	–	3.6	–
South Africa	5.9	6.5	–	7.0	7.1	7.3	6.8	8.0	–
Tanzania	2.6	3.4	–	–	–	–	–	–	–
Thailand	3.3	3.6	3.6	4.0	4.1	3.8	4.1	4.8	–
Togo	5.4	5.6	–	6.1	–	–	–	4.5	–
Uganda	1.5	1.5	2.0	–	–	2.2	2.6	–	–
Zambia	2.7	2.6	3.1	2.3	2.1	2.1	2.2	–	–

– = not available

[a] Public expenditure on education (total) is the percentage of GNP accounted for by public spending on public education plus subsidies to private education at the primary, secondary, and tertiary levels. This includes current and capital expenditures on education by local regional and national governments, including municipalities.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 15. **Public Spending on Primary Education as a Percentage of GNP: 1989 to 1997**

Country	Public spending on education, primary (% of GNP)[a]										
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Bangladesh	–	0.84	0.88	1.12	1.22	1.43	1.47	1.34	1.29	1.18	1.18
Benin	–	–	–	–	–	1.35	1.33	1.25	1.23	–	–
Bolivia	–	1.62	1.72	1.86	2.34	2.25	2.21	2.37	2.32	2.23	2.27
Brazil	–	–	–	–	–	–	1.46	–	–	–	–
Cambodia	–	–	1.13	1.21	1.07	0.96	0.82	0.81	0.89	0.99	0.93
Costa Rica	–	3.06	2.87	3.08	3.02	2.72	2.71	3.11	2.99	3.33	3.70
Dominican Republic	–	–	–	–	–	–	–	–	–	–	–
Egypt	–	–	–	–	–	–	–	–	–	–	–
El Salvador	–	–	–	–	–	–	1.33	–	–	–	–
Ethiopia	–	–	–	–	–	–	–	–	–	–	–
Ghana	–	–	–	2.60	–	2.90	2.10	2.60	2.60	–	–
Guatemala	–	0.36	0.38	0.40	0.85	0.73	0.88	0.91	0.70	0.77	–
Haiti	–	0.70	0.80	0.80	0.60	0.40	0.40	0.60	0.60	0.70	–
Honduras	–	2.28	2.02	2.12	1.98	1.89	1.86	1.69	1.51	1.68	1.80
India	–	1.25	1.18	1.14	1.02	1.00	1.05	1.05	1.08	–	–
Indonesia	–	–	–	1.47	1.52	2.00	2.19	2.21	2.61	–	–
Kenya	–	3.10	3.30	3.90	3.10	3.60	3.60	3.40	3.40	3.60	–
Lesotho	–	–	–	–	–	–	–	–	–	–	–
Mali	–	–	–	1.91	–	1.44	2.23	1.82	2.08	–	–
Nepal	–	–	0.80	0.69	1.16	1.41	1.68	1.49	1.42	–	–
Nicaragua	–	–	3.37	–	–	–	–	–	2.15	–	–
Nigeria	–	–	–	–	–	–	–	–	–	–	–
Pakistan	–	0.78	0.95	0.97	1.03	1.12	1.15	1.41	1.04	1.26	–
Panama	–	–	–	–	–	–	–	–	–	–	–
Peru	–	0.84	0.73	0.86	0.89	1.00	1.09	1.05	1.21	1.16	1.41
Philippines	–	1.18	1.05	1.36	1.32	1.42	1.51	1.50	1.60	1.93	–
Romania	–	–	–	–	–	–	–	–	0.87	0.94	–
South Africa	–	–	–	–	–	–	–	3.29	–	–	–
Tanzania	0.99	–	–	1.50	–	1.10	1.80	1.50	1.50	–	–
Thailand	–	1.42	1.49	1.43	1.60	1.51	1.43	1.58	1.68	–	–
Togo	–	1.70	–	1.10	1.90	1.60	–	1.40	1.20	1.20	1.00
Uganda	–	–	–	2.00	–	–	0.94	1.51	1.83	2.02	–
Zambia	–	0.80	1.50	1.40	0.90	1.30	1.10	1.40	1.20	1.40	–

– = not available

[a] This represents current and capital expenditures on primary education by local, regional and national governments, including municipalities.

NOTE: Capital expenditures are for assets that last longer than one year. They include outlays for construction, renovation and major repairs of buildings and expenditures for new or replacements of heavy equipment and vehicles. Current expenditures are for goods and services consumed within the current year and which should be renewed if there is need for them the following year. They include emoluments such as gross salaries, plus non-salary compensation (fringe benefits).

SOURCE: UNESCO, Institute for Statistics, Education for All: Year 2000 Assessment—A Decade of Education [CD-ROM], Paris, 2000.

Table 16. **Public Expenditure Per Student as a Percentage of GNP Per Capita by Country and School Level: 1989 to 1996**

Country	Expenditure per student, primary (% of GNP per capita)[a]								Expenditure per student, secondary (% of GNP per capita)[b]								Expenditure per student, tertiary (% of GNP per capita)[c]							
	1989	1990	1991	1992	1993	1994	1995	1996	1989	1990	1991	1992	1993	1994	1995	1996	1989	1990	1991	1992	1993	1994	1995	1996
Bangladesh	5.2	4.9	–	–	–	–	–	–	16.2	15.1	–	–	–	–	–	–	29.2	25.8	–	–	–	–	–	–
Benin	–	–	–	–	–	–	11.9	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	249.0	–
Bolivia	8.6	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3.2	–	–	–	–	–	–	–
Brazil	11.8	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	111.6	–	–	–	–	–	–	–
Cambodia	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Costa Rica	11.2	–	10.1	10.4	10.5	11.1	11.2	13.6	21.9	–	20.6	18.2	18.8	19.3	19.3	23.2	68.7	–	59.5	53.4	–	–	–	–
Dominican Republic	–	–	–	–	2.9	3.3	–	–	–	–	–	–	5.6	4.4	–	–	–	–	–	–	–	–	–	9.7
Egypt	–	–	–	–	–	–	–	–	–	–	–	–	22.9	–	–	25.9	–	98.9	–	–	–	–	–	–
El Salvador	–	–	–	–	–	–	7.1	–	–	–	–	–	–	–	5.5	–	–	–	–	–	–	–	7.7	–
Ethiopia	27.8	31.2	–	43.0	37.6	–	34.0	26.7	–	–	–	–	–	–	–	–	549.5	508.3	–	–	582.6	–	961.2	868.9
Ghana	–	6.3	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Guatemala	–	–	2.7	–	5.8	–	6.1	6.2	–	–	–	–	–	–	–	–	–	–	–	35.0	43.7	26.9	31.1	–
Haiti	10.6	9.0	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Honduras	–	–	10.8	–	–	9.0	–	–	–	–	17.7	–	–	–	–	–	92.0	–	82.0	–	–	68.7	–	–
India	–	–	–	11.4	11.3	11.4	–	–	–	–	–	–	–	–	–	–	110.4	99.1	–	–	–	93.9	73.1	99.8
Indonesia	–	–	–	–	–	–	–	–	–	–	–	–	–	6.6	–	–	–	–	–	–	9.8	12.8	12.9	–
Kenya	–	13.8	14.9	14.6	16.3	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Lesotho	–	–	–	13.1	13.5	15.6	–	13.8	–	–	–	48.4	48.3	59.6	–	53.7	–	–	–	475.0	462.0	382.5	–	779.3
Mali	–	–	–	–	15.6	–	13.8	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	382.7	–
Nepal	–	–	8.7	8.4	–	–	–	–	–	–	–	–	–	–	–	–	91.9	92.2	128.6	155.5	142.0	130.4	129.9	115.3
Nicaragua	6.1	–	–	13.3	–	12.8	11.4	–	5.7	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Nigeria	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Pakistan	10.8	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	105.7	–	157.6	–	–	–	–	–
Panama	13.5	12.1	–	–	–	–	–	–	16.1	13.7	–	–	–	–	–	–	56.4	46.0	40.6	50.5	–	41.7	38.3	40.2
Peru	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	6.8	–	–	–	–	–	–	–	15.4
Philippines	–	–	–	–	–	–	9.0	9.2	–	–	–	–	–	–	7.6	–	–	–	–	–	–	–	14.8	–
Romania	–	23.1	–	24.8	21.4	–	–	20.1	–	–	–	8.2	7.4	–	–	8.8	–	32.1	–	38.9	32.0	–	–	31.8
South Africa	19.3	22.0	–	–	–	–	25.1	–	–	–	–	–	–	–	–	–	98.9	99.2	–	64.1	65.1	–	–	–
Tanzania	7.5	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1918.2	–	–	–	–	–	–	–
Thailand	–	13.4	–	–	–	–	16.1	12.5	–	–	–	–	–	–	–	–	–	–	–	–	–	25.0	30.8	26.7
Togo	–	8.6	–	–	–	–	7.7	–	–	37.7	–	–	–	–	–	–	–	593.7	–	767.9	–	–	495.2	333.8
Uganda	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Zambia	–	–	–	–	–	4.2	5.0	–	–	–	–	–	–	–	–	–	219.6	–	–	–	–	356.2	–	–

– = not available

[a] Public expenditure per student at the primary school level is the public current spending on education divided by the total number of students by primary level, as a percentage of GNP per capita.

[b] Public expenditure per student at the secondary school level is the public current spending on education divided by the total number of students by secondary level, as a percentage of GNP per capita.

[c] Public expenditure per student at the tertiary school level is the public current spending on education divided by the total number of students by tertiary level, as a percentage of GNP per capita.

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 17. **Total Debt Service as a Percentage of GNP by Country: 1989 to 1998**

Country	Total debt service (% of GNP)[a]									
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Bangladesh	1.9	2.6	2.0	1.8	1.7	1.7	2.1	1.7	1.7	1.5
Benin	1.8	2.1	1.7	1.8	1.6	2.8	2.5	2.1	2.6	2.7
Bolivia	6.5	8.3	6.5	5.4	6.0	6.0	5.7	5.6	6.1	5.6
Brazil	3.2	1.8	2.1	2.3	2.6	3.0	3.1	3.3	5.2	6.3
Cambodia	1.1	2.7	1.0	0.7	1.7	0.1	0.2	0.3	0.3	0.4
Costa Rica	7.1	9.2	7.7	8.3	7.6	6.2	7.4	6.5	5.9	5.4
Dominican Republic	5.1	3.5	3.6	4.1	3.6	5.1	3.7	3.6	3.2	2.5
Egypt	7.4	7.3	7.1	6.7	4.8	4.4	4.0	3.4	2.5	2.1
El Salvador	4.0	4.4	4.7	4.0	4.2	4.2	3.0	3.1	2.5	3.7
Ethiopia	3.8	3.5	2.6	2.0	1.5	2.3	2.7	5.8	1.6	1.8
Ghana	8.8	6.4	4.7	5.1	5.3	6.8	6.3	7.0	8.0	7.7
Guatemala	3.7	2.9	3.1	5.2	2.7	2.4	2.4	2.3	2.1	2.1
Haiti	2.1	1.1	0.8	0.3	0.3	0.1	3.6	0.9	1.2	1.0
Honduras	4.3	14.0	10.7	11.6	10.6	13.4	15.0	14.8	11.2	9.8
India	2.4	2.6	2.9	3.0	3.0	3.4	3.8	3.0	3.0	2.8
Indonesia	10.1	9.1	9.4	9.4	9.3	8.4	8.5	9.7	9.4	22.2
Kenya	8.9	9.8	9.5	8.8	13.8	13.0	10.4	9.4	6.5	4.8
Lesotho	2.6	2.3	2.7	3.1	3.0	2.6	3.2	2.9	3.6	4.8
Mali	3.5	2.8	1.8	2.0	2.9	5.0	3.6	4.4	3.4	3.1
Nepal	1.8	1.9	1.8	1.9	1.8	2.0	1.9	1.7	2.0	1.8
Nicaragua	1.4	1.6	44.0	7.9	9.6	16.1	18.8	14.0	19.4	14.1
Nigeria	9.7	13.0	11.8	12.6	7.8	8.8	7.1	7.6	3.8	3.4
Pakistan	4.7	4.9	4.4	4.9	4.7	6.8	5.4	5.3	6.7	4.5
Panama	0.3	6.9	6.2	15.6	4.0	5.1	4.2	11.5	19.3	8.7
Peru	1.7	1.5	4.2	2.5	7.0	2.4	2.2	4.9	4.6	4.0
Philippines	7.7	8.1	7.4	8.0	8.9	7.0	7.0	6.2	5.3	7.6
Romania	4.7	0.0	0.4	1.8	1.3	2.2	3.0	4.0	4.5	6.1
South Africa	–	–	–	–	–	2.2	2.3	3.0	4.5	3.4
Tanzania	3.9	4.5	4.5	5.0	4.8	4.5	4.7	4.6	2.3	3.0
Thailand	6.2	6.3	5.1	5.4	5.2	5.6	5.2	5.4	7.9	11.8
Togo	7.0	5.4	3.4	2.2	2.2	2.5	2.3	4.0	3.8	2.7
Uganda	3.6	3.5	4.5	4.1	4.9	3.8	2.4	2.5	2.5	2.4
Zambia	5.3	6.7	19.9	12.2	12.0	12.1	81.2	8.1	6.6	6.4

– = not available

[a] Total debt service is the sum of principal repayments and interest actually paid in foreign currency, goods, or services on long-term debt, interest paid on short-term debt, and repayments (repurchases and charges) to the IMF

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 18. **Public Health Expenditure as a Percentage of GNP by Country: 1990 to 1998**

Country	Health expenditure, public (% of GNP)[a]								
	1990	1991	1992	1993	1994	1995	1996	1997	1998
Bangladesh	0.7	0.7	0.9	1.1	1.1	1.1	1.3	1.7	1.5
Benin	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
Bolivia	1.0	0.9	1.2	1.3	1.2	1.3	1.1	1.1	1.1
Brazil	3.1	1.9	1.6	2.0	2.9	2.3	2.6	3.5	–
Cambodia	–	–	0.2	0.2	0.7	0.4	0.5	0.7	0.6
Costa Rica	7.0	8.3	7.8	7.7	6.4	6.2	6.8	6.8	7.1
Dominican Republic	1.7	1.3	1.6	2.0	1.9	1.8	1.8	1.7	1.6
Egypt	1.8	–	–	–	–	1.6	–	1.8	–
El Salvador	1.4	1.5	1.6	1.9	2.1	2.3	2.7	2.6	2.6
Ethiopia	0.9	0.7	0.9	1.0	1.3	1.3	1.3	1.4	1.7
Ghana	1.4	1.2	1.4	1.5	1.5	1.5	1.5	1.4	1.8
Guatemala	0.9	0.9	1.0	1.0	0.9	1.3	1.3	1.5	1.5
Haiti	1.2	1.0	1.3	1.3	1.1	1.3	1.3	1.3	1.3
Honduras	3.2	2.8	2.8	2.9	2.6	2.9	2.9	2.8	2.8
India	1.2	1.1	–	0.7	0.7	0.7	–	–	–
Indonesia	0.6	0.6	0.7	0.7	0.7	0.7	0.7	0.6	0.7
Kenya	1.7	1.8	–	2.3	–	–	–	–	–
Lesotho	1.6	2.4	2.4	2.5	2.3	2.5	–	–	–
Mali	1.7	1.2	1.0	1.0	2.1	–	–	–	2.0
Nepal	0.8	0.5	0.6	0.6	0.5	0.7	0.7	1.0	1.3
Nicaragua	1.0	4.9	5.4	5.1	6.2	5.6	5.5	5.2	5.0
Nigeria	1.1	1.0	1.1	0.7	0.3	–	–	0.2	–
Pakistan	1.2	1.0	1.0	1.0	1.0	1.1	0.9	0.9	1.0
Panama	4.9	5.6	5.1	5.1	4.7	5.8	5.9	5.8	6.4
Peru	1.1	2.3	2.6	2.3	2.3	2.4	2.3	2.3	2.2
Philippines	1.5	1.4	1.3	1.4	1.4	1.4	1.5	1.6	1.6
Romania	2.8	3.3	3.6	3.0	3.4	3.7	2.9	–	–
South Africa	3.3	–	–	3.3	–	–	–	–	–
Tanzania	1.9	1.8	1.7	2.1	2.9	1.2	1.2	1.1	1.2
Thailand	1.0	1.1	1.3	1.1	1.3	1.3	1.4	1.7	1.6
Togo	1.4	1.2	1.1	0.7	1.7	1.7	–	1.1	–
Uganda	–	–	–	2.3	1.8	1.6	1.9	1.8	–
Zambia	2.8	1.7	1.6	1.8	2.1	3.1	–	–	2.4

– = not available

[a] Calculations on total health expenditure as a percentage of GNP are based on author's calculation on WDI data. Original estimates were based on GDP values. Total health expenditure is the sum of public and private health expenditures. It covers the provision of health services (preventive and curative), family planning activities,nutrition activities, and emergency aid designated for health but does not include provision of water and sanitation. For more information, see WDI table 2.14

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 19. **Military Expenditure as a Percentage of GNP by Country: 1989 to 1997**

Country	Military Expenditure (% of GNP)[a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	1.3	1.2	1.2	1.3	1.3	1.3	1.2	1.3	1.4
Benin	2.2	2.0	–	1.3	1.6	2.3	1.2	1.3	1.3
Bolivia	3.4	3.2	2.4	2.2	2.3	2.2	2.0	1.9	1.9
Brazil	1.5	1.8	1.3	1.1	1.4	1.2	1.6	1.8	1.8
Cambodia	–	–	3.5	4.9	3.4	–	3.1	3.6	4.1
Costa Rica	1.2	1.2	1.0	1.4	1.3	1.1	0.6	0.6	0.6
Dominican Republic	0.9	1.0	0.7	0.9	1.2	1.1	1.3	1.2	1.1
Egypt	4.3	3.1	4.0	3.7	3.7	3.4	3.2	3.0	2.8
El Salvador	4.6	3.7	3.3	2.1	1.5	1.2	1.1	1.0	0.9
Ethiopia	10.0	11.0	9.0	3.7	2.9	2.5	2.2	2.0	1.9
Ghana	0.4	0.5	0.6	0.8	1.0	0.7	0.8	0.7	0.7
Guatemala	1.6	1.5	1.4	1.5	1.4	1.4	1.3	1.4	–
Haiti	1.8	1.7	1.5	1.5	1.6	–	–	–	–
Honduras	3.1	2.2	1.6	1.4	1.5	1.3	1.3	–	–
India	3.2	2.9	2.7	2.5	2.7	2.7	2.4	2.8	2.8
Indonesia	1.6	1.5	1.5	1.4	1.3	1.4	2.3	2.1	2.3
Kenya	2.4	2.9	2.8	3.0	2.5	2.0	2.0	2.0	2.1
Lesotho	3.7	5.3	–	3.6	2.9	2.3	2.2	2.3	2.5
Mali	2.2	–	–	2.3	2.2	1.9	1.8	1.9	1.7
Nepal	1.0	1.0	0.9	1.0	1.0	0.9	0.9	0.9	0.8
Nicaragua	–	21.0	3.8	3.1	2.6	2.7	2.2	1.7	1.5
Nigeria	2.2	2.4	3.0	2.6	2.2	2.3	1.8	1.6	1.4
Pakistan	7.1	7.6	7.1	7.4	7.0	6.8	6.1	5.9	5.7
Panama	2.2	1.5	1.4	1.3	1.4	1.4	1.3	1.3	1.4
Peru	–	1.8	1.4	1.8	1.8	1.7	1.7	1.6	2.1
Philippines	2.3	2.2	2.1	1.9	2.2	1.9	1.4	1.6	1.5
Romania	6.1	3.7	4.0	3.3	2.1	2.5	2.5	1.9	2.4
South Africa	4.3	4.2	3.5	3.2	2.9	3.1	2.5	2.4	1.8
Tanzania	2.0	1.8	1.8	2.2	1.7	–	1.4	1.6	1.3
Thailand	2.6	2.5	2.5	2.6	2.9	2.7	2.4	2.4	2.3
Togo	3.2	3.2	3.0	2.9	4.2	2.7	2.4	1.9	2.0
Uganda	3.5	3.4	3.2	2.4	2.0	3.2	3.7	4.0	4.2
Zambia	4.7	4.1	2.9	3.3	1.7	2.0	1.7	1.2	1.1

– = not available

[a] Military expenditures exclude civilian-type expenditures of the defense ministry. Military assistance is included in the expenditures of the donor country, and purchases of military equipment on credit are included at the time the debt is incurred, not at the time of payment. Data for other countries generally cover expenditures of the ministry of defense (excluded are expenditures on public order and safety, which are classified separately).

SOURCE: World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 20. **Unemployment Rates by Country: 1989 to 1997**

Country	Unemployment, total (% of total labor force) [a]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	1.2	1.9	–	–	–	–	–	–	–
Benin	–	–	–	–	–	–	–	–	–
Bolivia	–	7.3	5.8	5.5	6.0	3.1	3.6	4.2	–
Brazil	3.0	3.7	–	6.5	6.2	–	–	6.9	–
Cambodia	–	–	–	–	–	–	–	–	–
Costa Rica	3.8	4.6	5.5	4.1	4.1	4.2	5.2	6.2	5.7
Dominican Republic	–	–	19.7	20.3	19.9	16.0	15.9	16.7	15.9
Egypt	6.9	8.6	9.6	9.0	10.9	11.0	11.3	–	–
El Salvador	8.4	10.0	7.5	7.9	9.9	7.7	7.7	7.7	8.0
Ethiopia	–	–	–	–	–	–	–	–	–
Ghana	–	–	–	–	–	–	–	–	–
Guatemala	–	–	–	–	–	–	–	–	–
Haiti	–	–	–	–	–	–	–	–	–
Honduras	–	4.8	4.6	3.1	–	–	3.2	4.3	3.2
India	–	–	–	–	–	–	–	–	–
Indonesia	–	–	–	–	–	–	–	4.0	–
Kenya	–	–	–	–	–	–	–	–	–
Lesotho	–	–	–	–	–	–	–	–	–
Mali	–	–	–	–	–	–	–	–	–
Nepal	–	–	–	–	–	–	–	–	–
Nicaragua	8.4	11.1	14.0	–	–	–	–	–	–
Nigeria	–	–	–	–	–	–	–	–	–
Pakistan	3.1	3.1	6.3	5.9	4.7	4.8	5.4	–	–
Panama	16.3	–	16.1	14.7	13.3	14.0	14.0	14.3	–
Peru	7.9	–	5.8	9.4	9.9	8.9	–	7.0	7.7
Philippines	8.4	8.1	9.0	8.6	8.9	8.4	8.4	7.4	–
Romania	–	–	3.0	8.4	9.9	8.2	8.0	6.7	6.0
South Africa	–	–	–	–	–	4.4	4.5	5.1	–
Tanzania	–	–	–	–	–	–	–	–	–
Thailand	1.4	2.2	2.7	1.4	1.5	1.3	1.1	1.1	0.9
Togo	–	–	–	–	–	–	–	–	–
Uganda	–	–	–	–	–	–	–	–	–
Zambia	–	–	–	–	–	–	–	–	–

– = not available

[a] Unemployment generally refers to the share of the labor force that is without work but available for and seeking employment.

NOTE: Definitions of labor force and unemployment may differ by country.

SOURCE: ILO database Key Indicators of the Labor Market in World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

Table 21. **Unemployment Rates by Country and Sex: 1989 to 1997**

Country	Unemployment, female (% of female labor force) [a]									Unemployment, male (% of male labor force) [b]								
	1989	1990	1991	1992	1993	1994	1995	1996	1997	1989	1990	1991	1992	1993	1994	1995	1996	1997
Bangladesh	1.1	1.9	–	–	–	–	–	2.3	–	1.3	2.0	–	–	–	–	–	2.7	–
Benin	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Bolivia	–	7.8	6.0	5.6	5.3	2.9	4.0	4.5	–	–	6.9	5.6	5.5	6.5	3.4	3.3	3.7	–
Brazil	2.9	3.4	–	8.0	7.4	–	–	8.8	–	3.1	3.8	–	5.6	5.4	–	–	5.7	–
Cambodia	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Costa Rica	5.3	5.9	7.4	5.4	5.3	5.8	6.5	8.3	7.5	3.2	4.2	4.8	3.5	3.6	3.5	4.6	5.3	4.9
Dominican Republic	–	–	33.1	34.9	34.8	26.8	26.2	28.4	28.6	–	–	12.5	11.7	11.4	10.0	10.2	10.6	9.5
Egypt	10.7	17.9	21.3	17.0	22.3	22.8	24.1	–	–	5.4	5.2	5.9	6.4	7.5	7.4	7.6	–	–
El Salvador	6.8	9.8	6.6	7.2	6.8	6.4	5.9	6.5	5.3	10.0	10.1	8.3	8.4	11.8	8.4	8.7	8.4	9.5
Ethiopia	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Ghana	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Guatemala	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Haiti	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Honduras	–	6.2	5.6	3.0	–	–	3.4	4.4	3.2	–	4.4	4.2	3.2	–	–	3.1	4.2	3.2
India	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Indonesia	–	–	–	–	–	–	–	5.1	–	–	–	–	–	–	–	–	3.3	–
Kenya	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Lesotho	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Mali	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Nepal	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Nicaragua	12.0	15.4	19.4	–	–	–	19.3	17.1	14.8	6.9	9.0	11.3	–	–	–	15.9	14.0	12.6
Nigeria	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Pakistan	0.9	0.9	16.8	14.2	10.3	10.0	13.7	–	–	3.4	3.4	4.5	4.3	3.8	3.9	4.1	–	–
Panama	21.6	–	22.6	22.3	20.2	20.4	20.1	20.0	–	13.7	–	12.8	10.8	9.7	10.7	10.8	11.3	–
Peru	10.7	–	7.3	12.5	12.2	11.8	–	7.9	8.9	6.0	–	4.8	7.5	8.3	7.0	–	6.4	6.8
Philippines	10.3	9.8	10.5	9.8	10.0	9.4	9.4	8.2	8.5	7.3	7.1	8.1	7.9	8.2	7.9	7.7	7.0	7.5
Romania	–	–	4.0	10.7	12.6	8.7	8.6	7.3	6.4	–	–	2.2	6.2	8.1	7.7	7.5	6.3	5.7
South Africa	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Tanzania	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Thailand	1.6	2.4	3.5	1.5	1.8	1.5	1.4	1.1	0.9	1.2	2.1	2.0	1.3	1.2	1.1	0.9	1.0	0.9
Togo	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Uganda	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–
Zambia	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

– = not available

[a] Unemployment, female generally refers to the share of the female labor force that is without work but available for and seeking employment.

[b] Unemployment, male generally refers to the share of the male labor force that is without work but available for and seeking employment.

NOTE: Definitions of labor force and unemployment may differ by country.

SOURCE: ILO database Key Indicators of the Labor Market in World Bank, World Development Indicators 2000 [CD-ROM], Washington, D.C., 2000.

APPENDIX C

Ratifications of Core ILO Child Labor Conventions and Membership in the International Program on the Elimination of Child Labor (IPEC)[a]

Country	Convention No. 138[a]	Convention No. 182[b]	IPEC Membership
Bangladesh		March 12, 2001	1994
Benin	June 11, 2001	November 6, 2001	1997
Bolivia	June 11, 1997		1996
Brazil	June 28, 2001	February 2, 2000	1992
Cambodia	August 23, 1999		1997
Costa Rica	June 11, 1976	September 10, 2001	1996
Dominican Republic	June 15, 1999	November 15, 2000	1997
Egypt	June 9, 1999	May 6, 2002	1996
El Salvador	January 23, 1996	October 12, 2000	1996
Ethiopia	May 27, 1999		
Ghana		June 13, 2000	2000
Guatemala	April 23, 1990	October 11, 2001	1996
Haiti			1999
Honduras	June 9, 1980	October 25, 2001	1997
India			1992
Indonesia	June 7, 1999	March 28, 2000	1992
Kenya	April 9, 1979	May 7, 2001	1992
Lesotho	June 14, 2001	June 14, 2001	
Mali		July 14, 2000	1998
Nepal	May 30, 1997	January 3, 2002	1994
Nicaragua	November 2, 1981	November 6, 2000	1996
Nigeria			2000
Pakistan		October 11, 2001	1994
Panama	October 31, 2000	October 31, 2000	1996
Peru		January 10, 2002	1996
Philippines	June 4, 1998	November 28, 2000	1994
Romania	November 19, 1975	December 13, 2000	2000
South Africa	March 30, 2000	June 7, 2000	1997
Tanzania	December 16, 1998	September 12, 2001	1994
Thailand		February 16, 2001	1992
Togo	March 16, 1984	September 19, 2000	2000
Uganda		June 21, 2001	1998
Zambia	February 9, 1976	December 10, 2001	2000

[a] As of October 26, 2000.

[b] Based on ILO Registered Ratification Dates.

Appendix D:
ILO Convention 138

International Labour Organisation
C138 Minimum Age Convention, 1973

PREAMBLE

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932 the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention,

Adopts the twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under Article 22 of the constitution of the International Labour Organisation a statement—

(a) that its reason for doing so subsists; or
(b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out, is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this article national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations 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.

4. Any Member which has limited the scope of application of this Convention in pursuance of this article—

(a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of-(a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is—

(a) not likely to be harmful to their health or development; and
(b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this article the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921 the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921 shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted—

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention this shall ipso jure involve the immediate denunciation of that convention,

(b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 by a Member which is a party to that

Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that convention,

(f) by a Member which is a party to the Minimum Age (underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention, if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention—

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

FINAL PROVISIONS

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

Article 14

1. The Director-General of the International Labour office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 16

At such times as may consider necessary the Governing Body of the International Labour office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising convention shall ipso jure involve the immediate denunciation of this Convention notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

Appendix E:
ILO Convention 182

International Labour Organisation
C182 Worst Forms of Child Labour Convention, 1999

PREAMBLE

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognising that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

Adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention:

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organisations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this article shall be periodically examined and revised as necessary, in consultation with the organisations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organisations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programs of action to eliminate as a priority the worst forms of child labour.

2. Such programs of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organisations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;
(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
(d) identify and reach out to children at special risk; and
(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programs and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and acts of denunciation communicated by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

Appendix F:
Bureau of International Labor Affairs (ILAB) Publications on Child Labor

1. *By the Sweat and Toil of Children (Volume I): The Use of Child Labor in U.S. Manufactured and Mined Imports* (1994).

2. *By the Sweat and Toil of Children (Volume II): The Use of Child Labor in U.S. Agricultural Imports & Forced and Bonded Child Labor* (1995).

3. *The Apparel Industry and Codes of Conduct: A Solution to the International Child Labor Problem?* (1996) [also referred to as *By the Sweat and Toil of Children (Volume III)*].

4. *By the Sweat and Toil of Children (Volume IV): Consumer Labels and Child Labor* (1997).

5. *Forced Labor: The Prostitution of Children* (1996) [Symposium Proceedings].

6. *By the Sweat and Toil of Children (Volume V): Efforts to Eliminate Child Labor* (1998).

7. *By the Sweat and Toil of Children (Volume VI): An Economic Consideration of Child Labor* (2000).

Also available are proceedings from public hearings on child labor held to gather information for several of the reports.

Copies of these reports may be obtained by contacting the International Child Labor Program, Bureau of International Labor Affairs, U.S. Department of Labor, Room S-5307, 200 Constitution Ave., NW, Washington, DC 20210. Telephone: (202) 693-4843; Fax: (202) 693-4830; Email: GlobalKids@dol.gov. The reports are available on the Internet at: http://www.dol.gov/ILAB/reports/pubs_reports_ilab.htm.

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