

**2012 ANNUAL REVIEW UNDER THE FOLLOW-UP
TO THE ILO 1998 DECLARATION
COMPILATION OF BASELINE TABLES**

**EXAMEN ANNUEL (2012) DANS LE CADRE DU SUIVI
DE LA DÉCLARATION DE L'OIT DE 1998
COMPILATION DES TABLEAUX DE RÉFÉRENCE**

**EXAMEN ANUAL (2012) EN EL MARCO DEL SEGUIMIENTO
DE LA DECLARACION DE LA OIT DE 1998
COMPILACION DE LOS CUADROS DE REFERENCIA**

The effective abolition of child labour

L'abolition effective du travail des enfants

La abolición efectiva del trabajo infantil



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: AUSTRALIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2002 and 2004 Annual Reviews (ARs).	
	Involvement of Employers' and Workers organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Australian Chamber of Commerce and Industry (ACCI) and the Australian Industry Group (Ai Group)) and the workers' organizations (the Australian Council of Trade Unions (ACTU)) through communications of government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	2010 AR: Observations by ACTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Australia ratified in December 2006 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	Under consideration since 2011. 2012 AR: According to the Government: Australia's treaty-making policy requires that treaties, such as ILO Conventions, cannot be ratified unless full compliance has been achieved in all jurisdictions. The Australian Government and state and territory workplace relations Ministers agreed to formally consider ratification of C.138 in 2011. The Government is working closely with state and territory governments to determine their respective compliance with the requirements of the Convention. A decision on Australia's future ratification will be made once this assessment has been finalized. 2011 AR: According to the Government: While Australia meets the spirit and basic objectives of the Convention, it remains unclear whether Australia complies with every technical requirement of C.138. To this end, the Government is working closely with state and territory governments to determine their compliance with the requirements of this instrument, as well as ILO concerning compliance issues.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

		<p>2010 AR: According to the Government: While Australian law and practice fully meets the objectives of C.138, Australia is currently unable to ratify it due to technical compliance reasons. State and Territory governments have been consulted with a view to determining whether and to what extent their legislation complies with the requirements of the convention. The Government is still awaiting responses from a number of States and Territories. Of the Territories and States that have provided practice reports for C.138, some have stated that the ratification of C.138 cannot be supported at this stage or require further consideration. The Australian Government is currently conducting research to determine compliance gaps.</p> <p>The ACTU reiterated its support for ratification of C.138 by the Australian Government.</p> <p>2009 AR: According to the Government: The Government is conducting research to determine whether C.138 is an appropriate target for ratification. State and territory governments will be consulted with a view to determining whether and to what extent their legislation complies with the requirements of C.138.</p> <p>2008 AR: The Government indicated that while Australian law and practice fully meets the objectives of C.138, Australia is currently unable to ratify it due to technical compliance reasons.</p> <p>2007 AR: According to the Government: Ratification of C.182 by Australia can be expected by the end of 2006. [Ratification was registered on 19 December 2006.]</p> <p>Commonwealth Government – Government legislation is fully compliant with C.182.</p> <p>New South Wales (NSW) – The NSW Government is fully supportive of ratification of C.182 and NSW legislation is in compliance with C.182.</p> <p>Victoria – The Victorian Government strongly supports C.182 and registered agreement to ratification with the Federal Government on 1 December 2000. Victorian legislation is in compliance with C.182.</p> <p>Queensland – The Queensland Government is fully supportive of ratification of C.182 and Queensland legislation is in compliance with C.182.</p> <p>Western Australia – The Western Australian Government is fully supportive of ratification of C.182 and Western Australian legislation is in compliance with C.182.</p> <p>South Australia – The South Australian Government is fully supportive of ratification of C.182 and South Australian legislation is in compliance with C.182.</p> <p>Northern Territory – The Northern Territory Government is fully supportive of ratification of C.182 and Northern Territory legislation is in compliance with C.182.</p> <p>Australian Capital Territory (ACT) – ACT Government is fully supportive of ratification of C.182 and ACT legislation is in compliance with C.182.</p> <p>Tasmania – The Tasmanian Government is fully supportive of ratification of C.182 and as of 1 January 2006, Tasmanian legislation is in compliance with C.182.</p>
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	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL.
		Policy, legislation and/or regulations	<p>2012 AR: According to the Government: In addition to the role of national policy for occupational health and safety and workers' compensation, Safe Work Australia has developed the model Work Health and Safety (WHS) Act and draft Regulations and Codes of Practice to create a set of uniform laws across Australia. The laws have been developed through a tripartite process involving Commonwealth, State and Territory governments and employer and employee representatives. Each state and territory is in the process of enacting legislation that mirrors the draft model WHS laws by January 1 2012. This legislation will replace current work health and safety laws in the Commonwealth, states and territories. [Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia. The agency is jointly funded by the Commonwealth, State and Territory governments facilitated through an intergovernmental agreement signed in July 2008].</p> <p>The model Work Health and Safety Act</p> <p>The model WHS Act has been developed to protect the health and safety of workers and improve safety outcomes in the workplace. It does so by placing duties on persons conducting a business or undertaking, officers and workers to ensure health and safety.</p> <p>Requirements in relation to young workers are implicit in the model WHS Act and are not set out in a specific clause. The primary duty under the model WHS Act requires a person conducting a business or undertaking to ensure the health and safety of all workers while they are at work in the business or undertaking. This means that all workers, including young workers, are protected while at work.</p> <p>This primary duty also requires a person conducting a business or undertaking to provide information, training, instruction or supervision that is necessary to protect all persons from risks to health and safety arising from work carried out as a part of the business or undertaking. In order to meet this duty a person who engages young workers may need to tailor the information and instruction they provide so that young workers can understand. Similarly, a person who engages young workers may need to provide additional supervision for young workers to meet the requirement of adequate supervision under the model WHS Act.</p> <p>The draft model Work Health and Safety Regulations</p> <p>The draft model WHS Regulations are being developed to complement and support the general duties under the model WHS Act. Importantly, they have age related restrictions for work considered to be particularly high risk or hazardous.</p> <p>The draft model WHS Regulations define high risk work as a class of work requiring a high risk work license, such as scaffolding work, dogging and rigging work, crane and hoist operation, forklift operation and boiler operation. In order to obtain a high risk work license an applicant must be at least 18 years of age and must also complete specified training. If a worker, whether under the age of 18 or not, is undertaking training in a specified unit of competency they are able to carry out the high risk work only if they are under the supervision of a person with a license.</p>

		<p>The draft model WHS Regulations also require specific safety measures in relation to diving work, which is a type of hazardous work. Under the draft model WHS Regulations a worker must have specific competencies and must be medically fit to carry out the work. A medical practitioner can place conditions on the type of work carried out by a person under the age of 18.</p> <p>The draft model WHS Regulations also place a restriction based on age on who can be a nominated supervisor for asbestos removal work which poses the most significant risks. A nominated supervisor who must be present or readily available during the removal of any friable asbestos or more than 10 square metres of non-friable asbestos must be at least 18 years of age.</p> <p>The draft model Work Health and Safety Codes of Practice</p> <p>Safe Work Australia has developed a number of draft model Codes of Practice as a part of the harmonization of WHS laws. They provide practical guidance to duty holders on how to meet their obligations under the model WHS Act and draft Regulations. The draft model Codes of Practice on <i>How to Manage Work Health and Safety Risks</i>, <i>How to Consult on Work Health and Safety</i> and <i>How to Prevent Falls at Workplaces</i> outline specific requirements for considering the vulnerability of young workers. In particular these codes stress the importance of considering young workers when conducting a risk assessment, which is a requirement under the model WHS Act.</p> <p>Codes of Practice are admissible in court proceedings under the model WHS Act and draft Regulations as evidence of whether or not a duty or obligation has been complied with. Courts may also have regard to a Code of Practice as evidence of what is known about a hazard, risk or control and to assist in determining what is reasonably practicable in the circumstances to which the code relates.</p> <p>2011 AR:</p> <p><i>New South Wales</i></p> <p>According to the Government: The Children and Young Persons (Care and Protection – Child Employment) Regulation 2005 has been repealed and replaced with the Children and Young Persons (Care and Protection – Child Employment) Regulation 2010, which commenced on 1 September 2010. The new Regulation makes some amendments to the provisions of previous Regulation. Clause 8 of the Regulation broadens the circumstances in which a fee may be reduced by the Minister, and also changes the amount that the Minister can reduce any fee payable, by up to 25 per cent. The new Regulation makes the following changes with respect to provisions in the Code of Practice (at Schedule 1 of the Regulation):</p> <ul style="list-style-type: none"> • Subclause 2(2), in relation to notice of work locations, has been changed requiring employers to now provide additional information of any risks in connection with the employment of the child. The notice must provide details of: <ul style="list-style-type: none"> – Any risks existing in connection with the employment of the child, including risks associated with employing the child at the proposed place of work or location and risks associated with the child’s proposed role or employment schedule. – The strategies that the employer proposes to ensure compliance with this Code. – Any modifications to this Code that the employer may seek.
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			<ul style="list-style-type: none"> • Clause 13, in relation to calculation of employment, makes changes with respect to travelling time and time spent at work that is to be included in the total period of employment during any 24 hour period. The following provisions have been changed: <ul style="list-style-type: none"> – Any time in excess of 90 minutes spent by the child in travelling from home to the place of work. – The whole of the time that the child is required to be at work excluding any rest break required by clause 14 (4) (b) or a rest break: <ul style="list-style-type: none"> (i) that is required by a provision of an industrial instrument or agreement, being a provision that prevails over this Code because of clause 12; and (ii) that the industrial instrument or agreement provides is not to be counted as part of the total number of hours worked. – Any time in excess of 90 minutes spent by the child in travelling home from the final place of work, • Clause 14, in relation to general limitations on hours of work, makes the following changes to provisions: <ul style="list-style-type: none"> – A child cannot be employed for more than 5 consecutive days. – An employer must not employ a child for more than 4 hours on any day on which the child receives schooling. – An employer must not employ a child later than 8.00 pm on 3 consecutive days if the day following each day on which the child is employed is a day on which the child is to receive schooling. – The total period of time for which a child is employed during any week, when added to the time that the child receives schooling during that week, must not exceed 50 hours. • Clause 15 and Clause 16, in relation to the limitations on hours of work for entertainment or exhibitions, and live performances respectively, have increased the maximum days per week that a child aged between 6 months and 3 years can be employed to 2 days per week. • Clause 21, in relation to work directions in entertainment, exhibitions and photography, makes the following changes: <ul style="list-style-type: none"> – before a child is cast in a role or situation the employer must fully inform the child and a parent of the child of the nature of the role or situation and must take into account any comments of the child or the parent; – an employer must not employ a child in any situation in which the child or any other person has an exposed genital area, buttocks or, in the case of female children or other persons, breasts.
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2010 AR:

Fair Work Act 2009 (Cth)

According to ACTU a significant development has been noted with respect to the passage of the FairWork Act 2009 which binds 'national system employers'. It regulates the working conditions of young workers to the exclusion of state laws on child labour. The Fair work Act does not exclude state laws on child labour, in the extent that those laws deal with the times at which, or the periods during which, a child may be employed.

2007 AR: C.182.

Commonwealth Government – Federal Government legislation is fully compliant with C.182 and meets the objectives of C.182.

New South Wales (NSW)

SW legislation is fully compliant with C.182.

Victoria – Child Employment Act 2003

The Child Employment Act 2003 which commenced on 12 June 2004 (World Day against Child Labour) reformed Victoria's long-standing law relating to the employment of children under the age of 15 years. It introduced maximum daily hours of work, mandated rest breaks, minimum ages for certain occupations, a prohibition against certain types of employment, a provision restricting children to "light work" and a system of police checks for employers and other persons directly supervising children. The Act's definition of "light work" (reflecting the definition in C.138) is work or any other activity that:

- is not likely to be harmful to a child's health or safety, moral or material welfare or development; and
- is not such as to prejudice the child's attendance at school or their capacity to benefit from instruction.

Under the Act, employment occurs when a child takes part or assists in any business, trade or occupation carried on for profit. It includes both paid and unpaid work and applies whether the child is engaged as an employee or an independent contractor.

The Act provides that with limited exceptions, children between the ages of 13 and 15 years may be engaged only in light work, subject to the employment being authorized through the prescribed child employment permit system. Employment is prohibited during school hours unless a Ministerial exemption from school attendance has been obtained.

The minimum age of employment does not apply to the employment of children in a family business or in the entertainment industry, and permits are not required for children employed in a parent's family business. Nevertheless, various other protections of the Act do apply to children in these categories.

			<p><i>Mandatory Code of Practice for the Employment of Children in Entertainment</i></p> <p>In the legislative review leading up to Child Employment Act 2003 it was recognized that the entertainment industry was a special case and required separate treatment. The industry was therefore specifically exempted from the hours, rest break and minimum age provisions.</p> <p>In order to more appropriately regulate the employment of children under 15 years in the industry, the Act required the responsible Minister to make all reasonable efforts to make a mandatory code of practice within 12 months of the commencement of the Act.</p> <p>The Act also required the Minister to consult with representatives of employers and employees in the entertainment industry and with relevant Government agencies before making the code.</p> <p>Accordingly, the Minister for Industrial Relations made the Mandatory Code of Practice for the employment of Children in Entertainment in June 2005, and the Code came into effect on 1 November 2005. The Code regulates matters such as:</p> <ul style="list-style-type: none"> - daily hours of work; - spread of hours; - shifts and rest breaks; - provision of education; - a 40-hour limit on combined work and education; - travel; - food, drink and amenities; - parental contact; - supervision; - a prohibition on inappropriate roles or nudity; - specific provisions for babies. <p><i>Justice Legislation (Sexual Offences and Bail) Act 2004</i></p> <p>The Justice Legislation (Sexual Offences and Bail) Act 2004 introduced amendments into the Crimes Act 1958 to strengthen Victoria's laws against the commercial sexual exploitation of children under 18.</p> <p>Among other things, the Justice Legislation (Sexual Offences and Bail) Act amended the Crimes Act 1958 by amending existing child pornography offences and creating new offences relating to involving children in sexual performances. These measures have strengthened Victoria's laws against the commercial sexual exploitation of children for the purposes of compliance with C.182.</p>
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			<p>Queensland – The Queensland Government has enacted the <i>Child Employment Act 2006</i>, effective from 1 July 2006. The purpose of this Act and its supporting Regulation is to ensure that work does not interfere with children’s schooling and that children are prevented from performing work that may be harmful to their health or safety or their physical, mental, moral or social development Key features of the Act and proposed regulation include:</p> <ul style="list-style-type: none"> – general minimum working age tied to compulsory schooling requirements while allowing children below this age to work only in certain circumstances and with various restrictions imposed; – restrictions on working hours for children yet to complete compulsory schooling. <p>The legislation is part of a package of reforms which includes a Child Employment Guide to explain the new laws. The Act is supported by a workplace health and safety code of practice for young workers.</p> <p>The Workplace Health and Safety Queensland Children and Young Workers Code of Practice cover both young workers under 18 years of age, and children who visit workplaces. The main features of the code are:</p> <ul style="list-style-type: none"> – identification of hazards of particular risk to young workers such as manual tasks, noise, chemicals, industrial equipment, machinery and workplace harassment; – a risk management approach for young workers emphasizing workplace health and safety induction, training and supervision practices that should be followed. <p>A Code of Practice for the Employment of Young People in the Entertainment Industry will be introduced by the end of 2006.</p> <p>Western Australia – The Western Australian Government has recently amended legislation further restricting the employment of children. The legislation prohibits the employment of children under the age of 15 except under strict conditions as specified under the Children and Community Services Act 2004.</p> <p>This legislation is provided additional support by the School Education Act 1999. This legislation has recently been amended taking the compulsory school age up to 16 as of 1 January 2006. This is further increasing to 17 on 1 January 2008.</p> <p>South Australia – South Australian legislation is fully compliant with C.182.</p> <p>Northern Territory – Northern Territory legislation is fully compliant with C.182.</p> <p>ACT – ACT legislation is fully compliant with C.182.</p> <p>Tasmania – As of 1 January 2006, Tasmanian legislation is fully compliant with C.182.</p>
		Judicial decisions	NIL.

	Exercise of the principle and right	Compulsory education	<p>YES.</p> <p>2011 AR: In 2009, the <i>Education Act 1990</i> was amended by the <i>Education Amendment Act 2009</i> to increase the school leaving age to effectively 17 (effective 1 January 2010). section 21B of this Act provides that a child is of compulsory school-age if the child is of or above the age of 6 and below the minimum school leaving age. The minimum school leaving age is the age at which the child completes Year 10 of secondary education, or the age of 17, whichever first occurs. However, if a child completes Year 10 but is not yet 17, the child must participate on a full-time basis in approved education or training or, if the child is above the age of 15, in paid work or a combination of both, until the age of 17.</p>
		Minimum age	<p><i>NSW, South Australia, Northern Territory, ACT</i> – No update in these jurisdictions.</p> <p>2011 AR: The minimum age for admission to employment in Australia is predominantly determined by state and territory compulsory education legislation, which require children to remain in school or approved education until they turn 17. More specific rules regarding the employment of children (including the minimum age for admission to employment such as ‘light work’) differ from jurisdiction to jurisdiction, and feature in general workplace relations, child protection and occupational health and safety legislation and practices. Together, they provide a suite of protections that the Government considers give effect to C.138.</p> <p>2007 AR: C.138.</p> <p>Commonwealth Government – In relation to Minimum Age, it should be added that: Australian law and practice meets the objectives of C.138. This is achieved through State and Territory laws, which require children, aged up to 15 years (16 in Tasmania) to attend school; and laws providing for minimum ages for employment in selected occupations, child welfare, and occupational health and safety. These laws are implemented through State and Territory Government agencies including departments of education, community services, workplace relations, and health and safety. Enforcement is achieved through a variety of measures, including the use of inspection services, reference of child welfare matters to special children’s courts, and the imposition of fines and other penalties as appropriate.</p> <p>Queensland – The Government of Queensland has advised that it may experience some compliance difficulties with respect to the minimum age provisions of C.138 as the Child Employment Act 2006 allows children below the age of 13 years to work on rare occasions.</p> <p>Western Australia – The principle of effective abolition of child labour is recognized by the Western Australian Government. The Children and Community Services Act 2004 and The School Education Act 1999 demonstrate compliance in law and practice with the spirit of C.138 and C.182. That is, children are not exploited as a source of labour and are free to work so long as they are not engaged in the worst forms of child labour.</p> <p>These laws are implemented through State Government agencies including departments of education, community services, labour relations, and health and safety. Enforcement is achieved through a variety of measures, including the use of inspection services and the imposition of fines and other penalties as appropriate.</p>

			<p><i>South Australia</i> – No changes to South Australian Law and Practice. It should be noted that in 2005, significant amendments were made to both the Occupational Health and Safety and Welfare Act 1986 and the Fair Work Act 1994.</p> <p><i>Northern Territory</i> – No new comments, as at time of reporting, no changes in legislation with regard to C138 have been enacted.</p> <p><i>New South Wales (NSW), Victoria, ACT, Tasmania</i> – No update in these jurisdictions.</p>
	<p>Exercise of the principle and right</p>	<p>Worst Forms Child Labour</p>	<p>C.182 is ratified.</p>
		<p>Special attention to particular situations</p>	<p>2011 AR: Memorandum of Understanding – safety for children in the workplace</p> <p>In 2010 WorkSafe Victoria (the agency responsible for administering occupational health and safety, legislation in Victoria) and the Department of Innovation, Industry and Regional Development (responsible for administering child employment in Victoria) commenced the process of negotiating a Memorandum of Understanding to replace an earlier Memorandum of Understanding, negotiated in 2006 to ensure ongoing cooperation in relation to following shared objectives: (i) to ensure that a child’s health, safety, welfare or development is not harmed in the course of the child’s employment in any Victorian workplace; (ii) to ensure that as far as possible the same health and safety requirements are complied with in all workplaces in Victoria, and that these requirements are administered in a consistent manner; (iii) to assist Victorian workplaces achieve best practice levels of health and safety for employees and the public; (iv) to ensure the effective co-operation of both parties in the administration of their respective requirements in relation to scheduled matters; and (v) to ensure that consistent approaches to regulation are adopted and that duplication of activities of both parties is avoided as far as feasible in respect of facilities, operations, installations and workplaces over which both parties have regulatory jurisdiction.</p> <p><i>Guidance for Children in the Workplace</i></p> <p>In 2010, WorkSafe Victoria, in consultation with the Department of Innovation, Industry and Regional Development (responsible for administering child employment in Victoria), commenced a review of the guide <i>Keeping Children Safe in the Workplace</i> to reflect changes to the <i>Child Employment Act 2003</i> and ensure its currency.</p> <p>The guide, which was first issued in September 2006, is designed for workplaces where children work or visit, to identify hazards and implement safety controls to prevent injuries. The guide notes that while children under 15 may be employed in Victorian workplaces under the <i>Child Employment Act 2003</i>, due to their age, stage of physical and emotional development and their inexperience they are the most vulnerable employees in Victorian workplaces. The guide contains information on duties under the child employment and occupational health and safety legislation, and on making preparations for children in the workplace.</p>

			<p>2007 AR:</p> <p>Queensland – The Commission for Children and Young People Act 2000 requires the Commission in undertaking its statutory functions to give priority to the needs and interests of children and young people: (i) who are not able to protect their rights, interests and well-being; (ii) for whom there is no appropriate person to act on their behalf; (iii) who are disadvantaged because of a disability, geographic isolation, homelessness or poverty; or (iv) who are, or may enter, out-of-home care or detention.</p> <p>The Office for Youth within the Department of Communities provides Youth at Risk Outreach Services (YAROS) targeted at young people aged 12 to 25 who are identified as ‘at risk’ through a range of factors including homelessness, involvement in survival sex, and illicit drug use. YAROS aims to divert young people from risk-taking behaviour and to prevent their entry into the formal sex industry.</p> <p>YAROS conducts a range of prevention and early intervention activities that use a harm-minimisation approach, including information and referral, direct assistance, specialist counselling, support groups, health education (particularly for safe sex and drug use), and needle exchanges.</p> <p>There are seven Youth at Risk Outreach Services located across the state, with two services located in regional areas. Each service conducts activities according to the specific needs of the young people in the local area.</p> <p>Western Australia – In Western Australia, young indigenous people are provided with the same opportunities for education, social and skills development as other children.</p> <p>ACT – According to the Government of the Australian Capital Territory: the indigenous young people by providing them with the same opportunities for education, social and skills development as other children.</p> <p>Commonwealth Government, NSW, Victoria, South Australia, Northern Territory, Tasmania – No update in these jurisdictions.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2007 AR:</p> <p>Commonwealth Government – According to Federal Government: the Australian Bureau of Statistics (ABS) population census currently collects work force data for children over 15 years. The ABS is currently considering expanding this to younger ages in response to reviews of child labour in various states.</p> <p>Victoria – The Victorian Government has requested the Australian Bureau of Statistics (ABS) to collect child labour data for children under the age of 15 years and has contributed to development of a survey tool for use by the ABS in 2006.</p> <p>Western Australia – The Australian Bureau of Statistics (ABS) population census collects work force data for children over 15 years.</p> <p>NSW, Queensland, South Australia, Northern Territory, ACT, Tasmania – No update in these jurisdictions.</p>

	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2007 AR:</p> <p>Victoria – Child Employment Officers (CEOs) have been appointed under the Child Employment Act 2003 with the primary function of providing information to employers, parents, children, schools and the community about the Act, and investigating applications for permits.</p> <p>CEOs are also responsible for ensuring compliance with the legislation.</p> <p>Accordingly, their powers include a right of entry to inspect a workplace and the right to require production of documents. CEOs are authorised to vary or cancel a child’s employment at any time by written notice.</p> <p>The Act provides a range of offences with appropriate penalties.</p> <p>CEOs work co-operatively with officers of WorkSafe Victoria to ensure that the occupational health and safety of children in employment is protected.</p> <p>Queensland – The Queensland Government reports that there is an ongoing role for industrial inspectors who have direct contact with workplaces and are able to assess the situation with regard to child labour.</p> <p>Furthermore, the inspectors have been empowered under the Child Employment Act 2006. Inspectors functions under this Act are:</p> <ul style="list-style-type: none"> • to monitor compliance with the Act; • to investigate and, when necessary, take action to deal with alleged contraventions of the Act; and inform children, parents and employers of their rights and obligations. <p>Western Australia – Industrial Inspectors are responsible for enforcing the employment aspects of the <i>Children and Community Services Act 2004</i>. To date there have been no prosecutions under this legislation relating to the employment of children.</p> <p>South Australia – According to the South Australia Government: the Industrial and Employee Relations Act (IER Act), 1994 provides that an employer could be subject to prosecution in case of breach of its disposition. Furthermore, the Government indicates that a number of bodies have been created to realize the PR: (i) the Industrial Relations Court of South Australia; (ii) the Industrial Relations Commission of South Australia; (iii) the Industrial Relations Advisory Committee; (iv) the Employee Ombudsman; (v) the inspectors located in the Industrial Services Division and the Occupational Health, Safety and Welfare Advisory Committee.</p> <p>Northern Territory – The Northern Territory Education Act foresees penalty (ranging from fines to imprisonment) for the employment of a child of compulsory school age.</p> <p>Commonwealth Government, NSW, ACT, Tasmania – No update in these jurisdictions.</p>
	<p>Involvement of the social partners</p>	<p>2012 AR: According to the Government: Safe Work Australia has developed the model Work Health and Safety (WHS) Act and draft Regulations and Codes of Practice to create a set of uniform laws across Australia. The laws have been developed through a tripartite process involving Commonwealth, State and Territory governments and employer and employee representatives. Each state and territory is in the process of enacting legislation that mirrors the draft model WHS laws by January 1 2012.</p> <p>2007 AR:</p> <p>Victoria – The Child Employment Act 2003 required the responsible Minister to consult with representatives of employers and employees in the entertainment industry and with relevant Government agencies before making the Mandatory Code of Practice for the Employment of Children in Entertainment.</p> <p>The Government consults with a wide range of stakeholders in developing legislation.</p>

		<p>Queensland – In 2001 the Queensland Government established the Commission for Children and Young People, now the Commission for Children and Young People and Child Guardian, to promote and protect the rights, interests and wellbeing of children in Queensland.</p> <p>The Young Workers’ Advisory Service (YWAS) was established in April 2002 to assist workers under the age of 25 years with queries relating to their working entitlements.</p> <p>The service offers advice and represents young workers in cases taken to the Queensland Industrial Relations Commission or Queensland Anti-Discrimination Commission on workplace issues such as bullying, discrimination, sexual harassment or dismissal.</p> <p>Western Australia – Consultation with key stakeholders has occurred in the development of the <i>Children and Community Services Act 2004</i>. The consultation has been with not only government and non-government areas but also children, families and communities.</p> <p>Commonwealth Government, NSW, South Australia, Northern Territory, ACT, Tasmania – No update in these jurisdictions.</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Promotional activities</p>	<p>2012 AR: According to the Government: The Young Worker Toolkit is a web-based resource that has been optimised for smart phone use to help young people in the workplace (information about employment issues, frequently asked questions, toolkit, etc.). The Toolkit can be found at youngworkertoolkit.youth.gov.au.</p> <p>2011 AR: According to the Government: The Fair Work Ombudsman released in 2009 the following two best practice guides that are relevant to young workers:</p> <ul style="list-style-type: none"> • A guide for young workers (http://www.fwo.gov.au/Best-Practice-Guides/Documents/04-A-guide-for-young-workers.pdf). • An employer’s guide to employing young workers (http://www.fwo.gov.au/Best-Practice-Guides/Documents/05-An-employers-guide-to-employing-young-workers.pdf). <p>The ACT Government is producing a booklet for young people entitled <i>Young People at Work in the ACT – What you need to know</i>. This will be available to young people electronically, at schools and at youth services by November 2010.</p> <p>2007 AR:</p> <p>Victoria – A primary function of Child Employment Officers appointed under the Child Employment Act 2003 is to provide information to employers, parents, children, schools and the community about the Act.</p> <p>Queensland – In addition to offering advice and representation to young workers, the Queensland Young Workers’ Advisory Service (YWAS) educates young people at schools and TAFE colleges about their workplace entitlements, rights and obligations.</p> <p>Western Australia – The Department of Consumer and Employment Protection (DOCEP) is empowered with the authority to investigate and enforce laws dealing with the employment of children. As such DOCEP also undertakes an educational role. DOCEP has information available on their website and has emailed interested parties via the newsletter subscription service to inform the public of Western Australia about changes such as the new laws affecting the employment of children. Key employee and employer associations are also notified in writing of laws affecting employment of children.</p> <p>Commonwealth Government, NSW, South Australia, Northern Territory, ACT, Tasmania – No update in these jurisdictions.</p>

	Special initiatives/Progress	<p>2012 AR: According to the Government: On 8 July 2011 the Australian Government Department of Education, Employment and Workplace Relations released a new online resource to help inform young people of their rights and obligations under the <i>Fair Work Act 2009</i> and assist them with any employment issues. The Young Worker Toolkit is a web-based resource that has been optimised for smart phone use to help young people in the workplace. It provides in one place all the information about employment issues and the industrial relations system that young people need. The Toolkit deals with common questions and issues that young people confront every day at work. Topics covered by the Toolkit include: getting started and the types of employment; pay and conditions; workplace safety; bullying and harassment; fair dismissal; and where to go for help. The Toolkit is available to all young people as a web based resource with links from the youth.gov.au and Fair Work Ombudsman websites. Promotion of the Toolkit has been targeted to those most in need, including to students, young workers and educational institutions. The Toolkit can be found at youngworkertoolkit.youth.gov.au.</p> <p>2011 AR: Under the National Youth Participation Requirement, young people in every Australian jurisdiction are now required to participate in schooling (or an approved equivalent) to Year 10, and then participate full-time (at least 25 hours per week) in education, training or employment, or a combination of these activities, until age 17. The effect of this provision means that the age at which children may be admitted to full-time employment is at the completion of Year 10, which is generally 15 or 16.</p> <p>2007 AR: <i>Commonwealth Government</i> – Australia has made firm progress towards ratification of C.182. Law and practice in all jurisdictions now complies with the Convention. [Report filed before the ratification of C.182.]</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	NIL.
	According to the Government	NIL.	
TECHNICAL COOPERATION	Request	NIL.	
	Offer	NIL.	
EXPERT-ADVISERS' RECOMMENDATIONS/OBSERVATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were concerned that few governments, such as Australia (and three other governments), had indicated their current lack of effort to ratify C.138 and/or C.182. They recalled the following: "(...) in last year's Introduction we noted remarks from some constituents (the governments of Australia and New Zealand and Business New Zealand – BNZ) concerning the potentially negative effect of ratifying Convention No. 138 for young persons to enter the labour market. We pointed out that these concerns can be adequately addressed through the various possibilities inherent in the principle, for instance light work, or vocational training and apprenticeship. It is crucial to discuss this in tripartite consultation in each country, and we note that both of the social partners in New Zealand are commenting on this issue: while BNZ opposes the ratification of Convention No. 138, the New Zealand Confederation of Trade Unions (NZCTU) recommends ILO assistance to seek possible legislative action to allow light work from 13 years of age and set the general minimum age at 16 years, in line with Convention No. 138. We hope there will be continued efforts by the Office and, in particular, the International Programme on the Elimination of Child Labour (IPEC) on this issue." (cf. paragraph 57 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>		

	<p>2005 AR: The IDEAs listed Australia among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification. They also mentioned the following: “Australia, New Zealand and the United States have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. It is important to maintain a continuity of social programmes to combat child labour. Once programmes are interrupted, it is difficult to maintain the momentum. The sustainability of such programmes will be enhanced with the active support of employers’ and workers’ organizations” (cf. paragraphs 13 and 234 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: BAHRAIN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2011 Annual Review (AR), No change reports for the 2004, 2005, 2006, 2009 and 2010 ARs.
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Bahrain Chamber of Commerce and Industry (BCCI) and the General Federation of Bahrain Trade Unions (GFBTU) through communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the BCCI. 2008 AR: Observations by the BCCI. 2007 AR: Observations by the BCCI.
	Workers' organizations	2012 AR: Observations by the GFBTU. 2011 AR: Observations by the GFBTU. 2010 AR: Observations by the GFBTU. 2009 AR: Observations by the GFBTU. 2008 AR: Observations by the GFBTU. 2007 AR: Observations by the GFBTU. 2006 AR: Observations by the GFBTU.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bahrain ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	<p>Under consideration, since 2002, for C.138.</p> <p>2012 AR: According to the Government: The Government intends to ratify C.138, and the ratification process is close to finalization. Ratification is currently under review by the National Assembly Committee who is studying the compatibility of national legislation vis-à-vis this Convention. C.138 is already applied in the country, and the minimum age of employment is currently 15 years of age.</p> <p>The GFBTU expressed its support to the ratification of C.138, also mentioning that C.138 is not a priority as the GFBTU does not recognize child labour as a widespread problem in the country and that national legislation already enables the PR of C.138.</p> <p>According to the BCCI: the Government is on its way to ratify C.138 and the BCCI has been consulted in the process and gave its approval.</p> <p>2010-2011 ARs: The GFBTU expressed its genuine support to the ratification of C.138 by Bahrain.</p> <p>2009 AR: The GFBTU expressed its support to the ratification of C.138.</p> <p>2008 AR: The Government stated that it was planning to establish a tripartite committee that will deal with the ratification of the remaining ILO fundamental Conventions.</p> <p>The BCCI hoped that the tripartite committee would be set up very shortly.</p> <p>The GFBTU supported the ratification of C.138.</p> <p>2007 AR: According to the Government, the BCCI and the GFBTU: A tripartite committee should be set up to study and make recommendations on further ratification of ILO fundamental Conventions, including C.138. The GFBTU expressed its support for ratification of this Convention by Bahrain.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government indicated that ratification of C.138 was under consideration.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES.</p> <p>The Constitution (article 5) recognizes the principle and right (PR).</p>
		Policy, legislation and/or regulations Basic legal provisions	<p>According to the Government: The PR is recognized in legislation, judicial decisions and collective agreements in Bahrain.</p> <ul style="list-style-type: none"> • Policy: <p>2000 AR: According to the Government: Policy: the Council of Ministers approved in 1998 the establishment of a Child Committee.</p> <ul style="list-style-type: none"> • Legislation: The Labour Code (sections. 49-58). <p>(i) The Constitution, section 5; (ii) the Labour Code, sections 49-58; (ii) Legislative Decree No. 16 of 1991; (iii) Decree No. 8 of 1998; (iv) Legislative Decree No. 3 of 1996; and Legislative Decree No. 17; (v) Social Insurance Law No. 24 of 1976; (vi) Ministerial Order No. 22 of 1995; (vii) Ministerial Decree No. 6 of 1996, section 51 of the Labour Law for the private sector enacted by Decree No. 23 of 1976.</p>

		Judicial decisions	NIL.
Exercise of the principle and right	Compulsory education	YES, the age of completion of free compulsory schooling for boys and girls is 12.	
	Minimum Age	<p>2003 AR: General minimum age is 16 years for both boys and girls.</p> <p>This general minimum age covers the following types of work: work performed in a family-owned or operated enterprise; work performed in enterprises below a certain size; homework; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and work performed in export processing zones.</p> <p>Hazardous work: The minimum age for hazardous work is 18 years for both boys and girls.</p>	
	Worst Forms of Child Labour	C.182 has been ratified.	
	Special attention to particular situations	NIL.	
	Information/ Data collection and dissemination	NIL.	
	Prevention/Monitoring, enforcement and sanctions mechanisms	NIL.	
Involvement of the social partners	<p>2012 AR: According to the Government: The social partners have been included in the process and have given their approval to ratification of C.138.</p> <p>2008 AR: According to the Government: Ratification of C.138 is being considered by a tripartite committee.</p>		
Promotional activities	<p>2012 AR: The GFBTU continues to press the Government to ratify C.138 as it does not see any obstacles to ratification.</p> <p>2010 AR: According to the GFBTU: Many activities were conducted to promote and highlight the importance of the ratification of the C.100 for the benefits of all parties and stakeholders. This issue is being discussed during the regular meetings with the GFBTU and within tripartite committees.</p> <p>2009 AR: The GFBTU indicated that it had organized seminars on the PR and distributed IPEC materials.</p> <p>2008 AR: The GFBTU participated in the 5th ILO/Gulf Cooperation Council (GCC) Regional Seminar on the ILO Declaration and International Labor Standards (ILS) in Oman.</p> <p>2007 AR: The Government, the BCCI and the GFBTU referred to their participation in the Fourth Gulf Cooperation Council (GCC) Regional Workshop on the ILO Declaration and International Labour Standards held in Kuwait City in April 2006.</p> <p>2000 AR: According to the Government: Efforts to promote and realize the PR include: (i) Training and rehabilitation programmes for youth in particular providing them school materials; (ii) Promotion of the protection of the child in the public and private sectors; and (iii) Training programmes and awareness-raising campaigns on the PR by non-governmental institutions.</p>		

	Special initiatives/Progress	2010 AR: On the legislative side, the GFBTU issued an official letter in April 2008 to the Parliament highlighting the importance of ratification of the C.138 and urging the Prime Minister to take action in this regard. Moreover, the 2009 Labor Day had witnessed intensive participation by all the trade unions and civil society which displayed slogans concerning C.138, urging the Government to ratify it.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to the BCCI: Child labour is not a widespread problem in the country. Some students are working, but their employment should not be regarded as child labour, and does not involve hazardous working conditions in general.</p> <p>2007 AR: According to the BCCI: There are very limited cases of child labour in Bahrain.</p>
		Workers' organizations	<p>2012 AR: The GFTBU does not see any obstacles to the ratification of C.138 as the PR of the convention, according to the GFTBU, is not in contradiction with national legislation.</p> <p>2009 AR: According to the GFBTU: Child labour is not significant in the country due to the safety net the education system provides in retaining children up to the legal age of 18.</p> <p>2008 AR: The GFBTU reiterated the same challenges stated in the 2007 AR.</p> <p>2007 AR: According to the GFBTU: Poor families need social protection in Bahrain.</p>
	According to the Government	<p>2012 AR: According to the Government: Steps forward in the ratification process are partly pending due to the awaiting of decisions to be taken by the National Assembly concerning new labour legislation. Current political instability in the country is also slowing down the process and preventing the Government from moving ahead.</p> <p>2007 AR: The Government acknowledged that poor families need social protection in Bahrain.</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: The Government requested ILO's assistance in determining the steps forward in the ratification process. The GFTBU requested for ILO's continued support to trade union activities in Bahrain.</p> <p>2010 AR: The GFBTU recommended that all members in the relevant tripartite committees attend together specific workshops on Decent Work since Bahrain has been selected within the ILO Decent Work Country Programme.</p> <p>2009 AR: The GFBTU requested ILO technical cooperation to support its activities on the PR.</p> <p>2008 AR: Although child labour is not a serious issue in Bahrain, the GFBTU nonetheless requested ILO technical cooperation on the PR in order to raise awareness on its existence.</p> <p>2007 AR: The BCCI requested ILO technical cooperation on the PR, in particular through public sensitization (TV programmes) on the issue of child labour.</p>	
	Offer	ILO (DWCP).	

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. They also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Bahrain, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Bahrain, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (cf. paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs noted the close relationship between free, available and adequate schooling and decreasing child labour, but were concerned to learn in this connection that in Bahrain the low age of 12 was the limit for compulsory schooling (cf. paragraph 58 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (cf. paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Bahrain (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: BANGLADESH

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2002 Annual Review (AR). No change reports under the 2003 and 2004 ARs.
	Involvement of Employers' and Workers' organizations in the reporting process	YES: According to the Government: Involvement of the Bangladesh Employers' Federation (BEF) and several national workers' federations (Bangladesh Workers' Federation (BWF), Bangladesh Garments and Textile and Leather Workers' Federation (BGTLWF), The Jatio Sramik League (JSL), Bangladesh Trade Union Centre (BTUC), Bangladesh Jatiyatabadi Sramik Dal (BJSJ), Jatiya Sramik Federation (JSF), Jatiya Sramik Federation Bangladesh (JSFB), Jatiya Sramik Party (JSP), Bangladesh Songjukta Sramik Federation (BSSF), Bangladesh Trade Union Songha (BTUS), Bangladesh Sramik Jote (BSJ), Bangladesh Jatiya Sramik League (BSJL), Bangladesh Trade Union Federation (BTUF), Bangladesh Trade Union Congress (BTUC), Bangladesh Telegraph and Telephone Sramik Karmacari Federal Union (CBA), Samajtantrik Sramik Front (SSF), Jatiya Sramik Jote Bangladesh (JSJB), National Workers' Federation (NWF), Jatiya Sramik Karmachary Jote Bangladesh (JSJJB), Bangladesh Jatiya Sramik Forum (BJSF), Bangladesh Free Trade Union Congress (BFTUC), Bangladesh Sramik Federation (BSF), Bangladesh Sramik Kalyan Federation (BSKF) and National Trade Union Federation (NTUF)) through communication of Government's report.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2012 AR: Observations by the BEF.</p> <p>2009 AR: Observations by the BEF.</p> <p>2008 AR: Observations by the BEF.</p> <p>2007 AR: Observations by the BEF.</p> <p>2006 AR: Observations by the BEF.</p>
	Workers' organizations	<p>2012 AR: Observations by the CBA.</p> <p>2010 AR: Observations by the JSL.</p> <p>2009 AR: Observations by the BWF. Observations by the BGTLWF.</p> <p>2008 AR: Observations by the BWF.</p> <p>2005 AR: Observations by BMSF.</p> <p>2001 AR: Observations by BSSF. Observations by the World Confederation of Labour (WCL).</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Bangladesh ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	<p>YES, since 2001, for C.138.</p> <p>2011-2012 ARs: According to the Government: Given the level of socio-economic development of Bangladesh, and particularly the limitations in terms of manpower and resource constraints of the implementation authorities to address the large informal sector where child labour is engaged, it would take more time to ratify C.138 and effectively monitor proper implementation.</p> <p>The CBA supported ratification of C.138.</p> <p>2011 AR: According to the Government: The National Child Labour Policy formulated in March 2010 has the objectives of abolishing hazardous child labour from Bangladesh by 2015 in line with the Millennium Development Goals (MDG). Given the level of socio-economic development of Bangladesh, and particularly the limitations in terms of manpower and resource constraints of the implementation authorities to address the large informal sector where child labour is engaged, it would take more time to ratify C.138 and effectively monitor proper implementation</p> <p>2010 AR: The Government stated that a parliamentary committee has been set up to study the future ratification of C.138.</p> <p>The JSL expressed its strong support to the ratification of C.138 by Bangladesh.</p> <p>2009 AR: The BWT and BGTLWF expressed their full support to the ratification of C.138 and C.182 by Bangladesh.</p> <p>2008 AR: The Government mentioned its intention to ratify C.138.</p> <p>According to the BEF: The BEF supports the Government's present approach and policy measures. The Tripartite Consultative Council has agreed that, for the time being, ratification of C.138 is not advisable in view of implementation problems and has decided that elimination of child labour in the worst forms of employment should be given priority in view of the exploitation nature of employment.</p> <p>The BWF expressed its support to the ratification of C.138 by Bangladesh.</p> <p>2007 AR: The BEF expressed its support to the ratification of C.138 by Bangladesh.</p> <p>2003 AR: The Government reiterated its intention to ratify C.138.</p> <p>2001 AR: The Government stated that it had the intention to ratify C.138 and C.182.</p>

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL.
		Policy, legislation, and/or regulations	<ul style="list-style-type: none"> • Policy: <p>2012 ARs: According to the Government: The National Child Labour (CL) Elimination policy 2010 has the objective of abolishing child labour from Bangladesh by 2015 in line with the Millennium Development Goal (MDG). While working toward this goal, many progresses and projects are being made at the National level to eliminate child labour in Bangladesh in coordination with different ministries: (i) The National Child Labour Unit (CLU) of the Ministry of Labour and Employment (MOLE) which serves as a secretariat dealing with child labour issues has implemented a Child Labour Monitoring Information System (CLMIS) which will be available through the CLU website (www.clu-mole.gov). The National Child Labour Policy formulated in March 2010 has the objectives of abolishing hazardous child labour from Bangladesh by 2015 in line with the Millennium Development Goals (MDG). The third phase was started in July 2012 targeting to withdraw 50,000 children through non-formal education and skill development training; (ii) The Ministry of Primary education has also adopted the National Plan of Action (NPA II, 2003-2015) For Education for All (EFA) to achieve the MDG and gives pre-eminence to improving the quality of education, gender equity for both boys and girls, making education inclusive, accessible and provided for all; and (iii) The Ministry of Women and Children Affairs (MoWCA).</p> <p>2011 AR: According to the Government: A “National Child Labour Policy” has been formulated in March 2010. National District/Sub-District level Monitoring Committees have been set up, and a National Plan of Action is being developed.</p> <p>2009 AR: According to the Government: The draft Child Labour Employment Policy, 2008 (in line with C.138 and C.182) is now its final shape.</p> <p>2008 AR: The Government indicated that the National Child Labour Policy would be adopted by the Bangladeshi Parliament by the end of 2007.</p> <p>2007 AR: The Government stated it was now actively working on finalizing the national Child Labour Policy.</p> <p>2003 AR: The Government stated that it intends to adopt a national policy by the end of 2003.</p> <p>2001 AR: According to Government: The Tripartite Consultative Committee (TCC) discusses various issues of national importance such as the elaboration of labour policy, amendment of existing labour laws, adoption of ILO Conventions and Recommendations and the improvement of industrial relations. In 1998, the Government drew up a national plan of action for children.</p>

		Basic legal provisions	<ul style="list-style-type: none"> • Legislation: 2008 AR: According to the BEF: The Labour Act, 2006 was promulgated. This Act established not only minimum age requirements but put emphasis on strengthening the labour administration machinery to enforce legal measures. The revised and updated draft of the Labour Code prepared by the Bangladeshi Labour Law Commission is under active process of gaining approval by the competent authority. (i) The Factories Act, 1965; (ii) the Employment of Children Act, 1938; (iii) the Shops and Establishment Act, 1965; (iv) the Road Transport Workers Ordinance, 1961; and (v) the Tea Plantation Labour Ordinance, 1962; (vi) the Employment of Children Rules, 1955; (vii) the Children (Pledging Labour) Act, 1933; (viii) the Mines Act, 1923; (ix) the Factories Rule, 1970; (x) the Road Transport Workers' Ordinance, 1961.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES, the age of children at the end of free compulsory schooling is 14 years for both boys and girls, with a general requirement of 9 years of grades or instruction.
		Minimum Age	<p>2011 AR: According to the Government: Under the Bangladesh Labour Act 2006, the minimum age for admission to work is 14, with a general requirement of 8 years of grades or instruction.</p> <p>2003-2005 ARs: There is no general minimum age for admission to employment or work</p> <p>However, the Government states that the Bangladesh Export Processing Zones Authority (BEPZA) Act, 1980, provides that “no child before completion of 14 years of age shall be allowed to work in any factory”. Therefore, this minimum age covers work performed in export processing zones.</p> <p>Hazardous work: Minimum age of 18 years for both boys and girls (section 87 of the Factories Act, 1965)</p> <p>The Employment of Children Act, 1938, lists the following processes that are hazardous and thus, prohibited for children: (i) bidi-making; (ii) carpet weaving; (iii) cement manufacture, including bagging of cement; (iv) cloth-printing, dyeing and weaving; (v) manufacture of matches, explosives and fireworks; (vi) mica-cutting and splitting; (vii) shellac manufacture; (viii) soap manufacture; (ix) tanning; (x) wool cleaning.</p> <p>Hazardous work is defined in section 87 of the Factories Act, 1965, which makes a reference to Dangerous Operations.</p>
		Worst Forms Child Labour	C.182 is ratified.

	Exercise of the principle and right	Special attention to particular situations	<p>2012 AR: According to the Government: Child labour issues have been addressed and incorporated in all major national development projects with particular emphasis on: (i) Readymade garments (RMG), Shrimp and fish processing sectors. At present there is no child labour in RMG; (ii) Under the ILO-IPEC project, priority has been given to withdraw and mainstream the children engaged in hazardous work; (iii) The National Plan of Action (NPA II, 2003-2015) for Education For All emphasizes the critical importance of education and learning for empowering people with knowledge and skills as key elements of human development and poverty reduction. It gives pre-eminence to improving the quality of education, gender equity for both boys and girls, making education accessible, inclusive and provided for all; and (iv) The Basic Education for Hard-to-Reach urban Working Children (BEHTRUWC) projects targets 200,000 working children of ages between 10-14 years for basic education through establishing 8,000 learning centers (LC) for a period of 40 months each and targets 20,000 children of age 13+ for livelihood education.</p> <p>2003 AR: According to the Government: Children in the 5 to 14 years age group are engaged in the following sectors: <i>bidi</i>, match, construction, domestic child labour, leather/tanneries, etc.</p>
		Information/ Data collection and dissemination	<p>2012 AR: According to the Government: Eighteen (18) Cases of child labour have been filed. Moreover 90,000 Taka (i.e., about US\$ 1,170 as of 1 December 2011) have been collected as fine under section 284 in Bangladesh Labour Law, 2006. The Government utilizes the fine-money as revenue expenditure. The Basic Education for Hard-to-Reach Urban Working Children (BEHTRUWC) projects targets 200,000 working children of ages between 10-14 years for basic education through establishing 8,000 learning centers (LC) for a period of forty (40) months each and targets 20,000 children of age 13+ for livelihood education.</p> <p>2007 AR: According to the Government: The Bangladesh Bureau of Statistics (BBS conducted a national child labour survey in 2003) in collaboration with ILO/IPEC and another national survey on determining hazardous child labour sectors during 2005-2006. The report was published in August 2006.</p> <p>2003 AR: According to the Government: Information is recorded on the number of children withdrawn from child labour and the number of ex-child labourers pursuing formal or non-formal education. However, it does not record information on sanctions applied to employers of child labour. As concerns statistical information on the extent and/or nature of child work, government surveys are carried out occasionally, and the last one was undertaken in 1996. The results of such surveys are presented separately by sex and age (5-14 years).</p>

	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2012 AR: The Government stated that there are 157 inspectors in the Department of Inspection for Factories & Establishment under the Ministry of Labour and Employment who are responsible for enforcing laws against child labour in Bangladesh. In addition, the members of the Taskforce/monitoring team inspect the factory of RMG sector, Fish and Shrimp sector regularly for enforcing labour law 2006 to accelerate the effective abolition of child labour in the country. In general, the labour inspection machineries have been strengthened through the increase in the number of inspectors to combat child labour in factories all over the country.</p> <p>2011 AR: According to the Government: The strength of the Department of Inspection for Factories and Establishments (DIFE) has been increased by recruiting a good number of inspectors. It indicated the strength of the department will increase further after setting up offices in newly created Administrative Divisions.</p> <p>2010 AR: According to the Government: A parliamentary committee has been set up to study the future ratification of C.138.</p> <p>2009 AR: According to the Government: A taskforce/monitoring team inspects the factory of the ready-made garment sector, fish and shrimp sector regularly with a view to enforcing labour law 2006 and accelerating the effective abolition of child labour.</p> <p>2007 AR: According to the Government: The Ministry of Commerce has set up a high-level Social Compliance Forum (chaired by the Minister of Commerce) for the garment industry to ensure, <i>inter alia</i>, compliance with labour standards in this sector. The Ministry of Labour and Employment is heading the Task Force on Labour Welfare in the RMG Sector.</p> <p>2003-2005 ARs: According to the Government: The following measures have been implemented to enforce minimum age(s) for employment and eliminate the worst forms of child labour: inspection/monitoring mechanisms; penal sanctions; special institutional machinery.</p> <p>2001 AR: According to the Government: Labour laws provide the legal framework for the inspection and monitoring of workplaces. These laws provide for penalties ranging from fines to imprisonment for violations of the legal provisions.</p> <p>2000 AR: According to the Government: Violation of any provision is a punishable offence. There are government labour inspections, e.g. general, medical and engineering inspectors that visit and inspect work premises as their routine work. The inspectors instruct employers about the provisions of the law and take legal action if and when a violation is found. There are also inspection teams comprising BGMEA, ILO and government labour inspectors.</p>
	<p>Involvement of the social partners</p>	<p>2012 AR: The Government stated that workshops and seminars on different issues of “Child Labour Elimination” had been organized by the Ministry of Labour and Employment, in collaboration with the social partners.</p> <p>2010 AR: The JSL indicated that one of its members had participated in several training sessions on the ILO Declaration, 1998, organised by the ILO in Australia and Malaysia.</p> <p>2009 AR: The BTF believed that child labour would be reduced to a considerable level if the present trend of promotional activities and participation of the social partners continued.</p> <p>2007 AR: According to the Government: Tripartite partners are represented in high-level committees such as the Social Compliance Forum under the Ministry of Commerce. Also, the employers and workers organizations participate in other child-related activities carried out by the Government and other agencies.</p> <p>2001-2005 ARs: According to the Government: Employers' and workers' organizations are involved in the implementation of Action Programmes. They are also active members of different committees such as the Tripartite Consultative Council National Steering Committee, and the Sub-Committee and Monitoring Committee.</p>

	<p>Promotional activities</p>	<p>2012 AR: According to the Government: Various initiatives are taken to combat child labour in Bangladesh: The National Child Labour Elimination Policy 2010 has the objective of abolishing child labour by 2015 in line with the Millennium Development Goal (MDG). In July 2010, the MOLE has started implementation of a third phase of the project “Eradication of Hazardous Child Labour in Bangladesh” targeting to withdraw 50,000 children through non-formal education and skill development training. A national consultation workshop in determining the list of hazardous works was held in August 2010 in an attempt to finalize the list of hazardous works, in compliance with ILO standards. The country has gradually been increasing coverage of social safety net programmes for its citizens which directly or indirectly affect elimination of child labour. Child labour issues have been incorporated in all major national development projects and plans (like Poverty Reduction Strategy-PRS, national plan of action for education and reflection in annual budget etc.). Workshops and seminars on different issues of “Child Labour Elimination” have been organized by the Ministry of Labour and Employment in collaboration with the social partners. The employers’ organization actively advocate against child labour in several activities and public relations events.</p> <p>(1) Recently, the Government has taken measures to strengthen the inspection machineries by increasing number of inspectors.</p> <p>2011 AR: The Government indicated it had taken the following measures concerning the principle and right (PR): (i) An action Programme on “Enhancing the Capacity of the Child Labour Unit of the Ministry of Labour and Employment” is being implemented; (ii) A third phase of the project titled “Eradication of Hazardous Child Labour in Bangladesh (July 2009 to June 2012) has been initiated for implementation with Government funds, and it is being approved; (iii) A project on the “Urban Informal Economy Programme of the Project of Support to the Time Bound Programme on the Elimination of the Worst Forms of Child Labour in Bangladesh is being implemented; (iv) A project titled “Technical and Vocational Education and Training (TVET:2008-2013) Reform in Bangladesh” (TBP) is being implemented in cooperation with the ILO; (v) Workshops/seminars on “Child Labour Elimination” have been organized by the Government in collaboration with the social partners; (vi) The employers’ organization actively advocate against child labour in all activities and public relations events; (vii) Ongoing awareness campaign against hazardous child labour are being carried out by the Government, the private sector, NGOs, and particularly the media; and (viii) The Birth and Death Registration Project 2009 is implemented by the Government under UNICEF funding.</p>
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	<p>Special initiatives/Progress</p>	<p>2012 AR: According to the Government: As a result of the implementation of the National ILO/IPEC Programme, there is no child labour in the ready made garment (RMG) sector.</p> <p>2011 AR: According to the Government: The Government formulated a policy for free and compulsory primary education where education for every child up to age 14 has been ensured. It is also initiating a special Code of Conduct for Domestic Workers to improve their working conditions.</p> <p>2009 AR: According to the Government: Workshops/seminars on the issue of child labour policy/Child Labour Unit have been organized by the Ministry of Labour and Employment in collaboration with the employers' and workers' organizations. And as a follow-up of the Time-bound Programme (TBP), the Government has established a Child Labour Unit.</p> <p>According to the BWT and the BGTLWF: Activities carried out include: (i) discussion of a draft Child Labour Policy at a tripartite Consultative Committee (TCC); (ii) approval by the TCC on the discussions held that led to the drawing up of an implementation plan which will be backed by a national law.</p> <p>2008 AR: The Government indicated that it was offering monthly scholarships in order to sensitize the population on the importance of education.</p> <p>According to the BEF: Bangladesh's success in withdrawing child labour from the garments sector has been appreciated nationally and internationally; awareness is spreading in other sectors. Some children have even been withdrawn and provided with non-formal education before their enrollment in formal schools. Bangladesh has made significant strides towards education for all programmes. Enrollment in primary schools has increased though attendance rates are low. Free education for the girls and education for food programmes have achieved rapid success in enrollment for education of children of poor families.</p> <p>2003-2005 ARs: According to Government: Since 1995 a good number of action programmes have been implemented successfully through Government agencies, employers' organizations, trade unions and NGO's.</p> <p>The MOU signed with the ILO in 1994 to work with IPEC can be considered as a successful example in the realization of the PR.</p> <p>2001 AR: According to Government: The child labour programme under the MOU can be regarded as a successful example in the realization of the principle and right (PR).</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2008 AR: According to the BEF: Bangladesh shares the global concern about the health, safety and welfare of working children. In spite of rigorous laws regarding this, children in hazardous work is a reality that cannot be denied. Moreover, child labour is closely linked to poverty. About 60 per cent to 85 per cent of the people living in villages live in absolute poverty. Moreover, employment of child children is seen mostly in the agriculture and informal sectors, which are both family enterprises and is thus more difficult to monitor the situation.</p> <p>2007 AR: According to the BEF, child labour is prevalent in the informal economy.</p>

		<p>Workers' organizations</p>	<p>2012 AR: According to the CBA: Child labour is not a widespread problem in the country. Due to a big population and a strong demand for labour in many sectors, it is however culturally accepted that some jobs are undertaken by children. Although any work is regarded as good work', child labour is considered as unlawful and not according to national legislation.</p> <p>2010 AR: According to the JSL: The main challenge to the realisation and implementation of C.138 for Bangladesh is the absence of Government's willingness to tackle child labour issues.</p> <p>2008 AR: The BWF indicated that child labour was observed mainly in the informal economy, especially in the rural areas where poverty is prevalent.</p> <p>2001 AR: According to the BSSF: There are no special organizations for child workers.</p> <p>The WCL identified the main difficulties encountered in Bangladesh in realizing the PR as follows: (i) a considerable number of children work in garment manufacturing; (ii) widespread poverty; (iii) historical and cultural factors; (iv) lack of sufficient educational facilities for all children; (v) exploitation of very poor children.</p>
	<p>According to the Government</p>		<p>2012 AR: The Government stated that the major obstacles to eliminate child labour in Bangladesh were as follows: (i) poverty and underemployment of adults; (ii) the institutional capacity (not enough labour inspectors for instance); (iii) limited government resources; (iv) the informal economy, i.e. the centralized monitoring and implementation efforts are inadequate to reach this sector where child labour is prevalent; (v) the level of socio-economic development and difficulty to achieve a high and stable growth are all together major obstacles against the elimination of child labour in Bangladesh.</p> <p>2010 AR: According to the Government: Socio-economic conditions are the main challenge to the elimination of child labour in Bangladesh.</p> <p>2009 AR: The Government stated that child labour was still prevalent in the informal economy and the agriculture sector, and was more closely linked to poverty.</p> <p>2008 AR: The Government stated that parents in the villages are still not sufficiently aware of the negative outcome of child labour. Moreover, it added that skill training is lacking in certain sectors such as in the garments, electronics areas. Moreover, skill trainings are lacking in certain sectors such as in the garments and electronic industries. The Bangladesh Workers' Federation (BWF) notes that child labour is prevalent in the informal economy, especially in poor rural areas. According to the Bangladesh Employers' Federation (BEF), health, safety and welfare of working children is a global concern. In spite of rigorous laws regarding children in hazardous work, the reality cannot be denied. Moreover, child labour exists in the agriculture and informal sectors, both of which are family enterprises, and this makes it more difficult to monitor.</p> <p>2006 AR: According to the Government: The main challenges in promoting the principle and right (PR) are as follows: (i) Harmonization and interpretations of existing labour laws with regard to minimum age for admission into employment; (ii) implementation and enforcement of the laws, particularly in the informal sector where child labour is more prevalent; (iii) the magnitude of child labour, particularly hazardous child labour which is currently estimated to be around 1.3 million; and (iv) multi-sectoral and complex nature of the child labour problem such as a weak cooperation among the large number of agencies, departments and actors, and high incidence of poverty leading to child labour.</p> <p>2003-2005 ARs: According to the Government: The main obstacles encountered in Bangladesh in the realization of the PR are the following: (i) lack of adequate awareness and education (skills development); (ii) lack of adequate policy laws and regulations; (iii) poverty; (iv) absence of general minimum age for admission to employment; (v) lack of adequate effective rehabilitation programmes; and (vi) lack of adequate institutional and logistic support.</p> <p>2001 AR: The Government stated that the informal sector is not covered by the law, which prohibits children's employment. As a result, labour inspectors cannot make any intervention in this sector.</p>

<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2012 AR: According to the Government: ILO technical assistance is particularly needed in the following areas: (i) abolishing child labour in urban informal economy; (ii) restructuring and strengthening the labour inspection machineries; and (iii) improvement of socio-economic conditions so as to help eliminate in child labour.</p> <p>The CBA requested the ILO to press the Government in implementing the existing national legislation so as to fight child labour.</p> <p>2010 AR: According to the Government: More ILO technical cooperation is needed, particularly in the following areas: (a) elaboration of awareness-raising programmes, especially for rural areas; (b) database development; (c) capacity building of stakeholders; (d) skill-based training; (e) social protection systems; (f) sharing of experience across countries/regions; and (g) inter-institutional coordination.</p> <p>The JSL requested ILO's support on different needs on the PR to be worked out.</p> <p>2009 AR: According to the Government: More ILO technical cooperation is needed, particularly in the following areas: (a) elaboration of awareness-raising programmes, especially for rural areas; (b) database development; (c) capacity building of stakeholders; (d) skill-based training; (e) social protection systems; (f) sharing of experience across countries/regions; and (g) inter-institutional coordination.</p> <p>For the BTF, technical cooperation in the field of primary education and skill development can contribute a lot to eliminate child labour.</p> <p>The BWT and BGTLWF stated that there was a need for technical cooperation with a view to facilitating the elimination of child labour, including in its worst forms.</p> <p>2008 AR: The Government requested ILO technical cooperation for the elaboration of awareness-raising programmes designed especially for rural areas.</p> <p>The BWF stated that different seminars and workshops should be developed in order to further sensitize the population on the issue of child labour.</p> <p>2007 AR: The BEF requested ILO technical cooperation for capacity building on the PR among employers' organizations.</p> <p>2006 AR: According to the Government: there is a need for the formulation and implementation of a nationally-owned TBP programme and direct support to the various programmes through training, information system and database development, determination of the list of hazardous child labour, advocacy and promotional activities, legal reform, and capacity building of unions and employers' organizations.</p> <p>2005 AR: According to the Government: Needs for ILO technical cooperation to facilitate the realization of the PR in Bangladesh exist in the following areas, in order of priority: (i) employment creation, skills training and income generation; (ii) special programme for the elimination of the worst forms of child labour; (iii) social protection systems; (iv) training of other officials (e.g. police, judiciary, social workers, teachers) and awareness raising, legal literacy and advocacy; (v) capacity-building of responsible government institutions (e.g. labour inspection and administration); (vi) strengthening capacity of employers' and workers' organizations; (vii) data collection and analysis; (viii) legal reform; (ix) cross-border cooperation mechanisms; (x) sharing of experience across countries/regions; (xi) policy advice; (xii) inter-institutional coordination.</p>
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	Offer	<p>A project titled “Urban Informal Economy (UIE) programme of the Project of Support to the Time Bound Programme towards the Elimination of the Worst Forms of Child Labour in Bangladesh” has been approved by the Government of Bangladesh and is being implemented by the Ministry of Labour and Employment and the ILO.</p> <p>The Reaching Out-Of-School Children (ROSC) project aims at addressing children who do not have access to formal education mainly due to poverty. The project is co-financed by the GOB, the World Bank and the Swiss Agency for Development and Cooperation (SDC).</p> <p>ILO/IPEC (A time-bound programme for the elimination of the worst forms of child labour is being implemented); UNICEF; NGOs.</p> <ul style="list-style-type: none"> – In October 2000, the ILO and the Dutch Government for the elimination of child labour signed a US\$4.8 million assistance agreement. With the extension of the project, the total funding commitment of the project is about 5.7 million USD and is scheduled to continue up to the end of 2006. – The Government is working with the United States Agency for International Development (USAID) on the Eradication of Hazardous Child Labour in the country, but also in combating human trafficking through the Actions for Combating Trafficking-In-Persons (ACT), funded by USAID through IOM. <p>European Union (EU): The Technical and Vocational Education and Training Reform (TVET) project is funded by the European Commission for a period of five years (2007-2011).</p>
EXPERT-ADVISERS’ RECOMMENDATIONS/ OBSERVATIONS		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Bangladesh, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed Bangladesh among the countries where some efforts were being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (cf. paragraph 13 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
GOVERNING BODY RECOMMENDATIONS/ OBSERVATIONS		<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
INTERNATIONAL LABOUR CONFERENCE RESOLUTION		<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: CANADA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000. No change report under the 2004, 2005 and 2006 ARs.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Canadian Employers' Council (CEC), the Canadian Labour Congress (CLC) and the Confédération des Syndicats Nationaux (CSN) through communication of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	2010 AR: Observations by the CLC. 2002 AR: Observation by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Canada ratified in 2000, the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	Under consideration for C.138. 2012 AR: According to the Government: The federal, provincial and territorial governments are currently reviewing C.138 to determine the extent of Canada's conformity and its possible ratification. 2011 AR: According to the Government: Discussions are continuing with the provincial and territorial governments concerning future ratification prospects for C.138. 2010 AR: According to the Government: Discussions are continuing. However, there are no developments to report at this time. According to the CLC: The CLC urged the Canadian government to clearly express its intent to ratify C.138 and to convene at least one meeting in Canada before the next Annual Review with social partners to discuss how to address the barriers to ratification of this Convention and to other core labour Conventions. Ratifying C.138 will ensure the effective abolition of child labour and progressively raise the minimum age for admission to employment or work, to a level consistent with the fullest physical and mental development of Canada's young people. It is particularly significant that C.138 specifies a minimum age as "not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years." The ILO report fails to incorporate a reference to the scope of child labour within Canadian workplaces. The CLC believes that a possible high level of non-compliance underlines the need for ratification.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body. For any further information on the ratification of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilolex.org.

			<p>2009 AR: According to the Government: NIL.</p> <p>2008 AR: According to the Government: The Government of Canada is pursuing discussions with provincial and territorial governments concerning ratification of C.138.</p> <p>2007 AR: The Government indicated that it had ratified the <i>Optional Protocol to the Convention on the sale of children, child prostitution and child pornography</i> in 2005.</p> <p>2005 AR: The Government stated that a Tripartite Workshop on Minimum Age for Admission to Employment in Canada and International Standard was held in February 2004. Discussions confirmed that while there is a high degree of conformity with the principles of C.138 in Canada, legislative changes would be required in all jurisdictions in order to meet the specific technical requirements of the instrument.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government would continue to examine the Convention in consultation with the provinces and territories, and the social partners.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL.	
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: According to the Government: The principle and right (PR) is recognized in the national policy. • Legislation: According to the Government: The PR is recognized in national legislation but legislative changes would be required in all jurisdictions in order to meet the specific technical requirements of C.138. 	
	Policy, legislation, and/or regulations	<p>2011 AR: According to the Government: Canadian jurisdictions are increasing efforts to reduce workplace accidents and injuries for young and inexperienced workers. A number of jurisdictions are reviewing or planning to review labour standards legislation which would include provisions concerning the employment of children.</p> <p>All Canadian jurisdictions have legislation for compulsory schooling and for regulating the employment of children. There are a variety of statutes that include restrictions on the employment of children and young persons. The most common are employment (or Labour) standards legislation, health and safety legislation and education acts. Restrictions are also found in various provisions regulating professions, in child welfare legislation, and in other statutes. Worst forms of child labour, such as the sale and/or trafficking of children, debt bondage, serfdom, child pornography and prostitution and forced or compulsory labour are subject to prosecution under the Criminal Code. In November 2005, significant changes were made to the <i>Criminal Code</i> to better protect children and other vulnerable persons from abuse, neglect and sexual exploitation: amendments created three new indictable offences to specifically prohibit trafficking in persons, a comprehensive protection scheme for children from all forms of sexual abuse and exploitation (including child pornography and prostitution), and enhanced the penalties for offences.</p>	
	Basic legal provisions	(i) The employment legislation; (ii) the health and safety legislation; (iii) the Education Acts; and (iv) the Criminal Code.	
	Judicial decisions	NIL.	

	Exercise of the principle and right	Compulsory education	YES: Free compulsory schooling up to the age of 16, at least.
		Worst Forms of Child Labour	C.182 is ratified.
		Special attention to particular situations	2003 AR: According to the Government: Canada's international development strategy targets the most marginalized girls and boys.
		Information/Data collection and dissemination	2001-2002 ARs: According to the Government: There are statistics and surveys that provide statistical information on the extent and/or nature of child work. Provinces and territories have also provided statistical information on issues such as child work permits.
	Prevention/Monitoring, enforcement and sanctions mechanisms	<p>2000-2005 ARs: According to the Government:</p> <ul style="list-style-type: none"> - <i>The Commission on labour standards:</i> There are government labour inspectors and appropriate enforcement mechanisms in all jurisdictions; - <i>The Labour Inspectorate to ensure law enforcement in every jurisdiction:</i> For instance in Ontario (Ontario Health and Safety Act) and in Quebec (sections 153,156 and 220 of the Civil Code); - <i>The possibility of investigation and enquiry by police and social welfare officers;</i> and - <i>Penal Sanctions:</i> from fines to imprisonment. 	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	<p>2005 AR: According to the Government: At the Federal level, employers' and workers' organizations (and civil society) were involved in a tripartite workshop on "Minimum Age for Admission to Employment in Canada and International Standards", organized by the International Labour Affairs, in February 2004.</p> <p>2000-2005 ARs: According to the Government: At the provincial/territorial level, social partners are in involved in various activities, including awareness and advocacy programmes.</p>	
	Promotional activities	<p>2010 AR: According to the Government: The Canadian International Development Agency (CIDA) is making a financial contribution over three years (2008-2010) to the Child Protection Partnership (CPP), a consortium of organizations led by the International Institute of Child Rights and Development (University of Victoria), Microsoft, the RCMP and UNICEF. The Government of Canada recently concluded Labour Cooperation Agreements with Jordan, Colombia, Peru and Panama that include commitments to protect the fundamental principles and rights at work, including the elimination of child labour, and is or will be providing technical assistance to these countries to assist them in meeting those commitments.</p> <p>According to the CLC: The CLC is aware of no public promotion by the Canadian Government of the ILO Declaration on Fundamental Principles and Rights at Work or of C.138. The Labour Branch of the Government has provided the CLC with the capacity to follow and participate in the various ILO review processes for Canada, including those that relate to C.138. The CLC has held workshops across the country to raise awareness of workers and trade union leaders to the ILO Fundamental Principles and Rights at Work and of the 8 core labour Conventions.</p> <p>2009 AR: From 1 June 2006 to 31 May 2008, the Family Violence Prevention Unit (FVPU) at the Public Health Agency of Canada contributed to the implementation of the Canadian Strategy Against Commercial Sexual Exploitation of Children and Youth by facilitating the development and dissemination of resources and publications on child maltreatment (including World Health Organization documentation).</p>	

		<p>2008 AR: According to the Government: In Canada, governments continue to focus on initiatives aimed at protecting children from trafficking, sexual exploitation and other worst forms of child labour. Internationally, through the Canadian International Development Agency (CIDA) and the Labour Program's International Trade and Labour Program, the Government of Canada is supporting projects aimed at strengthening child protection and combating child labour. For example, in March 2007, UNICEF published <i>Enhanced Protection for Children Affected by HIV and AIDS</i> that was the result of a significant international collaboration involving over 25 organisations led and funded by UNICEF and CIDA, and involving UNAIDS, the International HIV/AIDS Alliance, the International Labour Organization (ILO), Save the Children, CARE, World Vision, Plan International and the African Network for the Prevention and Protection Against Child Abuse and Neglect.</p> <p>2006 AR: The Government indicated that the Department of Foreign Affairs and International Trade (DFAIT) in Canada continues to publish the brochure, "Bon Voyage, But...", warning travelers about the existence of extraterritorial legislation in Canada that allows for the Canadian prosecution of nationals believed to have engaged in sexual exploitation of children outside of Canada. The brochure is now available on their website at: http://voyage.gc.ca. In June 2005, a Canadian was sentenced to ten years in prison for crimes involving children committed while he was visiting Cambodia. This is the first conviction obtained under Canada's child sex tourism legislation.</p> <p>In 2004, the Government of Canada continued to support the ILO International Programme for the Elimination of Child Labour (IPEC), contributing \$3 million to child labour projects in the Americas and in Africa. In 2005, an additional contribution of \$500,000 supported the continuation of projects in Costa Rica, Chile, Central America and the Dominican Republic and also in the Caribbean.</p> <p>2000-2005 ARs: According to Government: It provides financial support to various international organizations such as the ILO International Programme for the Elimination of Child Labour (IPEC). Moreover, the Canadian International Development Agency (CIDA) provides financial support to UNICEF, the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and to Canada's non-governmental and academic communities. CIDA has also launched bilateral programs worldwide.</p> <p>The Government indicates that on top of its multilateral and bilateral programs, many others have been launched in Canada at provincial/territorial level.</p> <ul style="list-style-type: none"> - At provincial and territorial level, several awareness and action programs have been undertaken, including health and safety of underage workers, education and vocational training, targeted programmes to street youth, integrating education and employment, addressing sexual exploitation, tutoring for tuition programmes, awareness-raising on child and young persons rights; etc.
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	<p>Special initiatives/Progress</p>	<p>2010 AR: According to the Government: A tripartite roundtable to review non-ratified ILO Conventions, including C.138, is being planned for early 2010. A tripartite planning meeting to organize the roundtable is scheduled for September 2009.</p> <p>2009 AR: According to the Government: The Committee against the Commercial Sexual Exploitation of Children and Youth is placing emphasis on the issue of commercial sexual exploitation from the perspective of Aboriginal children and youth. Health Canada's Children and Youth Division provided funding to the Native Women's Association of Canada for the development of a report outlining "best practices" and a future plan of action to address the needs of sexually exploited Aboriginal children. At the international level, in 2006 the Labour Program, through its International Trade and Labour Program, funded a two-year, \$600,000 IPEC project to assist Costa Rica, Guatemala, Honduras and Nicaragua in preventing and eradicating the worst forms of child labour. The Canadian International Development Agency (CIDA) is making a financial contribution over three years (2008-2010) to the Child Protection Partnership (CPP), a consortium of organizations led by the International Institute of Child Rights and Development (University of Victoria), Microsoft, the RCMP and UNICEF. The CPP is focused on deploying into developing countries the Child Exploitation Tracking System, to equip police services around the world to respond cooperatively to the crime of Internet trafficking in online child pornography. CIDA has also recently extended its support to Save the Children Canada's Project to Fight Against Child Trafficking in West Africa, to reduce the vulnerability and exploitation of migrant children. The project has provided direct support to 10,000 children and has established community-based child protection networks. In June 2008, Save the Children Canada, with financial support from CIDA, hosted an International forum in Canada, <i>Creating a New Era in West African Cocoa Production: The Harkin-Engel Protocol and Increased Well Being for Farmers and Their Working Families</i>, to support international efforts to eliminate worst forms of child labour in the cocoa sector.</p> <p>2006 AR: On 14 September 2005, following extensive negotiations with the provinces and territories, Canada ratified the <i>Optional Protocol to the Convention on the sale of children, child prostitution and child pornography</i>.</p> <p>The 2005 Report on Implementation of the Canadian Strategy against the Commercial Sexual Exploitation of Children and Youth describes a wide range of domestic and international initiatives supported by Canadian governments to protect children from trafficking, forced labour, sexual exploitation and other worst forms of child labour.</p> <p>Examples of initiatives to promote the principle and right:</p> <ul style="list-style-type: none"> - April 2004: Submission to the United Nations of "A Canada Fit for Children". Canada's national plan of action for implementation of the UN Convention on the Rights of the Child (CRC); - November 2001: Launching of labour cooperation, as an adjunct to the Canada-Costa Rica Free Trade Agreement, which includes a commitment to eliminate the worst forms of child labour; - June 2001: Launching of the Canadian International Development Agency's (CIDA) Social Development Priorities: A Framework for Action, which includes an Action Plan on Child Protection, specifically the most marginalized girls and boys, often victims of exploitation, abuse, and discrimination; - April and October 2001: Canada's initiative to include in the Youth Summit and the XIIth Inter-American Conference of Ministers of Labour commitments to work towards the elimination of child labour and, as a priority, to promote hemisphere-wide ratification and implementation of the Worst Forms of Child Labour Convention, 1999 (No. 182); - March 2001: Introduction in Parliament of proposed legislation, including provisions to better protect children from sexual exploitation. The proposed legislation would prohibit the use of the Internet for sexual exploitation and child pornography purposes, and would also give judges additional remedial power and simplify the process for prosecuting Canadians who sexually assault children in other countries;
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		<ul style="list-style-type: none"> – December 2000: Canada’s commitment to international agreements to protect the rights of children and to eradicate all the forms of exploitation of children and establishment of a national plan of action, consistent with the Social Union Framework Agreement, to support parents and families as to early childhood development. Signing of the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons and Children under the new United Nations Convention Against Transnational Organized Crime; and – June 2000: Prohibition of the deployment of persons under 18 to operations involving hostilities by the Canadian Forces, under a Bill in the National Defense Act. 	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL.
		Workers’ organizations	<p>2010 AR: According to the CLC: The CLC would like to submit information about the degree of current legislative non-compliance to C.138 by Canada and its jurisdictions. Also, the CLC would like to discuss future steps for providing comment on, and following up to, issues about unratified core labour Conventions.</p> <p>2002 AR: The ICFTU raised the following challenges: (i) compulsory education until the age of 15; (ii) practice of child labour in the migrant farm labour force in the vegetable and fruit fields of Manitoba, Ontario and British Columbia.</p>
	According to the Government	<p>2010 AR: In Canada, the approach adopted by the various jurisdictions has been to permit young persons to have access to age-appropriate jobs and work experience, while putting in place measures to protect their health and safety and development, and ensuring that work does not interfere with their education. Children in Canada are subject to compulsory school attendance until at least age 16 and may not be employed during school hours. While Canadian practices are generally consistent with C138, Canadian legislation does not implement all of the specific technical requirements of this instrument.</p> <p>2002 AR: In response to the ICFTU’s observations, the Government stated that (i) school attendance is compulsory until at least the age of 16, not 15, in all Canadian jurisdictions; (ii) under the Caribbean and Mexican Seasonal Agricultural Worker Programme, which allows for the recruitment of seasonal agricultural workers, prearranged employment is required and there are no provisions for workers' dependants to accompany them to Canada.</p>	
TECHNICAL COOPERATION	Request	<p>2011 AR: According to the Government, ILO technical advice will be sought to clarify the technical requirements for implementation of Convention 138 and participate in discussions with Canadian governments and social partners.</p> <p>2010 AR: According to the CLC: The capacity-building of union members and leaders to make effective use of ILO tools and agreements remains at the centre of any strategy, to involve them as social partners in implementing Conventions or promoting their ratification. The CLC and affiliates continue to promote the ratification of C.138 but programs and skills development need to be supported.</p>	
	Offer	<p>2012 AR: According to the Government: In February 2011, the Director of the ILO International Labour Standards Department attended a federal-provincial-territorial workshop and presented an overview of the requirements of C.138 to representatives of governments and the social partners.</p> <p>2007 AR: The Government reported its continued participation in international initiatives aimed at combating trafficking and the sexual exploitation of children; and its funding of funding of IPEC, UNICEF and other agencies combating child labour and exploitation (for further information see: http://les.acdi-cida.gc.ca/servlet/JKMSearchController).</p>	

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2005 AR: The ILO Declaration Expert-Advisers listed Canada among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification (paragraph 13 of the 2005 Annual Review Introduction). Furthermore, the Expert-Advisers noted with interest that even though child labour appears to be rare in the country, the Government is taking active steps to eradicate child labour, including the organization of various sensitization activities.</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



REFERENCIA POR PAIS DENTRO DEL MARCO DEL EXAMEN ANUAL DE LA DECLARACION DE LA OIT (2000-2012) ¹: CUBA

LA ABOLICION EFECTIVA DEL TRABAJO INFANTIL (TI)

PRESENTACION DE MEMORIAS	Cumplimiento de las obligaciones gubernamentales	SI , desde el Examen anual (EA) de 2002.
	Cometido de las organizaciones de empleadores y de trabajadores en la presentación de memorias	SI , según el Gobierno: Transmisión del cuestionario al Grupo de Empleadores Cubanos (GEC), a la Organización de Empleadores de Cuba (OEC) y a la Central de Trabajadores de Cuba (CTC) quienes enviaron sus opiniones que fueron tomadas en cuenta en la elaboración de las respuestas. Transmisión de copias de memorias gubernamentales una vez concluida su elaboración.
OBSERVACIONES DE LOS INTERLOCUTORES SOCIALES	Organizaciones de empleadores	EA 2009: Observaciones de la OEC.
	Organizaciones de trabajadores	EA 2010: Observaciones de la CTC. EA 2009: Observaciones de la CTC. EA 2007: Observaciones de la CTC. EA 2006: Observaciones de la CTC.

¹ Las referencias por países dentro del Examen anual de la Declaración de la OIT están basadas sobre los elementos siguientes en la medida en que estén disponibles: memorias de los Gobiernos, observaciones de las organizaciones de empleadores y de trabajadores, estudios específicos con profundidad preparados bajo el auspicio del país y de la OIT, y observaciones/recomendaciones de los Expertos Consejeros en la Declaración de la OIT y el del Consejo de Administración. Para obtener más información sobre la realización de este principio y derecho en un país determinado, en relación con un convenio ratificado, se ruega ver: www.ilo.org/ilolex.

ESFUERZOS Y PROGRESOS DESPLEGADOS EN REALIZAR EL PRINCIPIO Y DERECHO	Ratificación	Estado de ratificaciones	<p>Cuba ratificó en 1975 el Convenio sobre la edad mínima, 1973 (núm. 138) (C.138). Sin embargo, no ha ratificado el Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182) (C.182).</p>
		Intención de ratificación	<p>SI, desde 2008, para C.182.</p> <p>EA 2012: Según el Gobierno: La ratificación de la C.182 se encuentra en estudio</p> <p>EA 2010: Según el Gobierno: el C.182 está en el proceso de consultas para que se ratifique. Según la CTC: la CTC propuso al Gobierno la ratificación del C.182, y el proceso está en curso. Sin embargo, los cambios legislativos y políticos devuelven la ratificación difícil en Cuba.</p> <p>EA 2009: Según el Gobierno: Se encuentra sometida a las autoridades competentes la propuesta de ratificación del C.182. Según la CTC: La CTC ha venido participando activamente en la discusión y análisis acerca del C.182.</p> <p>EA 2008: Según el Gobierno: El C.182 fue sometido en su oportunidad a las autoridades competentes y fue diferida la ratificación. En la actualidad se realiza un nuevo estudio a partir de nuevas disposiciones jurídicas adoptadas que establecen mayores requisitos de seguridad en el trabajo, nuevos métodos de evaluación de riesgos y aclaran disposiciones vigentes relacionadas con las medidas y prohibiciones para los jóvenes que acceden al empleo a la edad de 17 años, hasta que cumplan los 18.</p> <p>EA 2007: Según el Gobierno: El C.182 fue sometido en su oportunidad a las autoridades competentes y fue diferida la ratificación hasta tanto se complete el análisis y revisión de la legislación laboral, en cuya oportunidad se analizará nuevamente el Convenio.</p> <p>EA 2006: Según el Gobierno: El C.182 ha sido sometido a las autoridades competentes pero fue diferida su ratificación.</p>
	Reconocimiento del principio y derecho (perspectiva(s), medios de acción, disposiciones jurídicas básicas)	Constitución	<p>SI, el principio y derecho (PYD) está reconocido en la Constitución y en la legislación. La demostración más palpable del reconocimiento del principio y el derecho en relación con el trabajo infantil está en la práctica cotidiana de la prohibición de todo tipo de trabajo infantil. El sistema educacional cubre el 100 por ciento de los niños en edad escolar y se garantiza la continuidad de estudios en forma gratuita, hasta los más altos niveles de educación. Se garantiza el empleo para madres y padres, con ingresos suficientes para que no tengan que recurrir al trabajo de sus hijos para el mantenimiento de la familia. El sistema de seguridad social cubre a todos los trabajadores y a toda la población.</p> <p>EA 2012: Según el Gobierno: La Constitución de la República de 24 de Febrero de 1976, reformada en 1992, en el Capítulo I, sobre los Fundamentos Políticos, Sociales y Económicos (artículo 9 b)) establece que el Estado garantiza que no haya niño que no tenga escuela, alimentación y vestido; que no haya joven que no tenga oportunidad de estudiar. En el Capítulo IV, artículo 35 dedicado a la Familia, se declara que el Estado reconoce en la familia la célula fundamental de la sociedad y le atribuye responsabilidades y funciones esencial en la educación y formación de las nuevas generaciones. En el Capítulo V dedicado a la Educación y Cultura, se regula que la enseñanza es función del Estado y es gratuita (artículo 39). A partir de estos principios se crean las bases para el desarrollo integral de los niños y los jóvenes, como premisas para que en Cuba no se produzcan manifestaciones de las peores formas de trabajo infantil contenidas en el C.182. La legislación nacional laboral y penal regulan las prohibiciones necesarias.</p>

		<p>Política, legislación y/o reglamentación</p>	<ul style="list-style-type: none"> • Política: EA 2002: Según el Gobierno: En 1990 se formuló el Plan Nacional de Acción a favor de la Infancia y se creó el Comité Nacional encargado de coordinar las acciones y su seguimiento. En el marco de los objetivos del Plan se analizan todos los factores que pueden incidir en el bienestar de la infancia en correspondencia con las metas de la Cumbre Mundial de la Infancia y los convenios internacionales ratificados por el Gobierno, incluyendo los de la OIT. • Legislación: EA 2012: Según el Gobierno: El Código de Trabajo en su artículo No. 26 establece que la capacidad para concertar contratos de trabajo se adquiere a los diecisiete años de edad y que excepcionalmente pueden concertar contratos de trabajo los adolescentes de quince y dieciséis años, siempre que se cumplan los requisitos que exige la ley. Asimismo establece en el artículo No. 220 que el Estado dicta medidas dirigidas a que las entidades laborales den atención especial a los jóvenes de quince y dieciséis años de edad que por razones excepcionales son autorizados a incorporarse al trabajo, a fin de lograr su mejor preparación, adaptación a la vida laboral y el continuo desarrollo de su formación profesional y superación cultural. De igual forma regula condiciones especiales de trabajo, entre ellas que la jornada de trabajo no puede exceder de siete horas diarias ni cuarenta semanales y no se les permite laborar en días de descanso, salvo excepciones dispuestas en ley. Se regulan además prohibiciones específicas relativas a labores que no deben desempeñar tales como las de estiba u otras en las que se manipulen pesos excesivos, extracción de minerales, lugares donde se utilicen sustancias nocivas, reactivas o tóxicas, trabajos de subsuelo, trabajo de altura, trabajos nocturnos ni trabajos en que su seguridad o la de otras personas esté sujeta a su responsabilidad. En el artículo 225 se dispone que las personas de diecisiete años de edad hasta que arriben a los dieciocho, no pueden ser empleadas en trabajos en el subsuelo ni en los que se manipulen sustancias que puedan afectar su salud o desarrollo integral. EA 2002: Las medidas enunciadas en los artículos 222 a 225 del Código del Trabajo contribuyen a eliminar riesgos en el trabajo de los jóvenes que sean autorizados a trabajar excepcionalmente en las edades de 15 y 16 años, así como en otros casos extendiendo la protección hasta los 18 años. En 1984 hubo una modificación al Código Penal para la introducción de sanciones más severas para los delitos de proxenetismo, corrupción de los niños, la trata de personas, y otros actos contrarios al total desarrollo del niño. También se introdujo como figura delictiva la venta y trata de menores. En 1977 se dictó la Ley núm. 13 de Protección e Higiene del Trabajo que sitúa la edad mínima de acceso al empleo en 17 años y otras disposiciones jurídicas que protegen el trabajo de los jóvenes hasta los 18 años en diferentes actividades. • Reglamentación: En 2005 fue dictada la Resolución núm. 8 de 1.º de marzo de 2005, del Ministerio del Trabajo y Seguridad Social, Reglamento General sobre Relaciones Laborales, que fue remitida a la Oficina como anexo a la memoria del Convenio sobre el examen médico de los menores (industria), 1946 (núm. 77); en el artículo 2 de dicho Reglamento se establecen los principios que rigen la política de empleo, entre los cuales está, en el inciso <i>h</i>) la prohibición del trabajo infantil. En anexo a este cuadro aparece explicada la relación de dicho Reglamento con los C.138 y C.182.
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		Disposiciones jurídicas básicas	i) Constitución (artículos 35-39); ii) Código del Trabajo (artículos.26, 220, 225); iii) Código Penal; iv) Ley de Protección e Higiene del Trabajo, 1977; v) decreto-ley núm. 4 de 1977; vi) decreto-ley núm. 100 de 1982; vii) decreto-ley núm. 174 de 1997; viii) Resolución conjunta núm. 2-91 MINED-CETSS, y ix) la Resolución núm. 8 de 2005, Reglamento General sobre Relaciones Laborales (arts. 14 y 15).
		Decisiones judiciales	Ninguna
Ejercicio del principio y derecho	Enseñanza obligatoria	SI , la edad que marca el final de la escolarización obligatoria es de 15 años para todos los jóvenes. El sistema educacional es gratuito.	
	Edad mínima	El C.138 está ratificado.	
	Peores formas de trabajo infantil	EAs 2002-2005 y 2009: Según el Gobierno: Las peores formas de trabajo infantil, enumeradas en el C.182, no existen en Cuba. Se reitera esta información. La CTC confirma esta indicación.	
	Tratamiento especial a determinadas situaciones	EA 2002: Los discapacitados tienen una atención especial. El subsistema de ecuación especial del Ministerio de Educación se aplica a niños y jóvenes que presentan deficiencias físicas y mentales. Garantiza que los alumnos con retraso mental, sordos, ciegos, hipoacústicos, débiles de visión, estrábicos y ambliopes, con trastornos de lenguaje, trastornos de conducta y retardo en el desarrollo psíquico puedan incorporarse a la sociedad en una vida activa tanto laboral como social. Se reitera esta información.	
	Recopilación y difusión de información/datos	EA 2002: Una reciente investigación de la UNESCO en Cuba arrojó resultados impresionantes en relación con la calidad de la enseñanza y reconoció como conclusiones de esta investigación que los factores que determinan estos resultados están asociados a la atención sistemática de la educación inicial en las edades de preescolar, a las condiciones económicas y sociales de las familias y al nivel escolar de los padres, sobre todo, de la madre. Se reitera esta información.	
Mecanismos de supervisión, implementación y sanción	<p>EA 2010: Según el Gobierno: El trabajo infantil está prohibido en Cuba.</p> <p>EA 2009: Según el Gobierno: Se mantiene una estricta vigilancia de la aplicación de la legislación vigente que prohíbe el trabajo infantil.</p> <p>EAs 2002-2006: Los servicios de inspección del trabajo no han detectado violaciones de la legislación que da aplicación al PYD. Además, el decreto-ley núm. 174 de 9 de junio de 1997 sobre las contravenciones personales del trabajo por cuenta propia establece en el artículo 3, apartado 12, que el que emplee o permita el empleo de menores de 17 años en la actividad del trabajo por cuenta propia se le aplicará una multa entre 500 y 1.500 pesos y el retiro de la licencia que lo acredita como tal. Esta prohibición incluye las actividades en las cuales se autoriza la ayuda familiar. Se reitera la información.</p>		

ESFUERZOS Y PROGRESOS DESPLEGADOS EN REALIZAR EL PRINCIPIO Y DERECHO	Cometido de los interlocutores sociales	<p>EA 2010: Según la CTC: Actividades de promoción de la lucha contra el trabajo infantil fueron organizadas por la CTC, la Unión de las Mujeres Cubanas y el Ministerio del Trabajo. Entonces, la legislación cambio para uniformizar las leyes existentes entre la edad para empezar a trabajar y la edad cuya corresponde al fin de la escolarización obligatoria. Ahora tienen que esperar que las leyes sean uniformizadas.</p> <p>EA 2009: Según la CTC: La CTC ha venido participando activamente en la discusión y análisis acerca del C.182.</p> <p>EA 2007: Según la CTC: La CTC ha sido consultada en todo momento sobre el asunto de referencia, haciendo las observaciones pertinentes en cada momento. Con relación a lo expresado por el Gobierno, la CTC considera que se ajusta a la realidad, teniendo en cuenta las conquistas logradas en cuanto a la seguridad y salud en el trabajo y la seguridad social así como la garantía de la totalidad de los servicios de salud y educación gratuitos para todos, en particular, las madres, las esposas en gestación, los niños y adolescentes, lo que nos asegura un bienestar para todos los trabajadores.</p> <p>EA 2006: La CTC señala que el sindicalismo cubano ha conquistado las regulaciones, leyes y decretos-leyes que protegen a la infancia, y exige el cumplimiento de estas disposiciones.</p> <p>EA 2002: Según el Gobierno: Las organizaciones sindicales y las direcciones de las empresas han tenido una participación importante tanto en la toma de decisiones como en el apoyo y ejecución de diferentes planes. Según lo dispuesto en la Ley núm. 13 de 1977, de Protección e Higiene del Trabajo, las organizaciones sindicales, en sus diferentes niveles y particularmente actuando a nivel de colectivos de trabajadores en cada empresa, departamento, taller, etc., tienen facultades para velar por el cumplimiento de las medidas de protección e higiene del trabajo. Según lo establecido en la legislación laboral vigente, las direcciones de las empresas están comprometidas con el cumplimiento de las disposiciones relacionadas con el empleo de los jóvenes, su superación y medidas de seguridad, así como con la observancia de las prohibiciones establecidas en la ley, facilitan la labor de la inspección nacional del trabajo que vela por el cumplimiento de la legislación laboral y de seguridad social.</p>
	Actividades de promoción	<p>EA 2009: Según el Gobierno: Se han realizado emisiones televisivas educativas sobre los derechos del niño. Además, el Centro de Estudios de la Juventud y la Infancia desarrolla investigaciones y publicaciones con financiamiento y apoyo técnico del UNICEF.</p> <p>Según la OEC: Los empleadores cubanos ratifican su compromiso de no usar ninguna de las formas de explotación del trabajo infantil, de cumplir rigurosamente la legislación cubana en materia de empleo, de garantizar a los jóvenes especialmente protegidos por razón de su edad, las condiciones de trabajo que permiten proteger su salud e integridad física, y de promover entre sus miembros las experiencias internacionales en este campo, donde en muchos casos se observan las denominadas peores formas de trabajo infantil.</p>

		<p>EAs 2007-2008: Según el Gobierno: La principal actividad promocional del principio de abolición del trabajo infantil está en el perfeccionamiento de nuestro sistema de seguridad social, que abarca no sólo a los trabajadores y sus familias, sino a toda la población; el incremento de las pensiones y la atención personalizada a los jubilados y a toda persona necesitada de la asistencia social. La protección social en Cuba incluye la educación totalmente gratuita hasta los más altos niveles de enseñanza, que se extiende a todo el territorio nacional y que ha tenido en los últimos años importantes logros en términos de calidad de la enseñanza, con la introducción del vídeo y medios audiovisuales en todos los niveles. El 100 por ciento de los niños en edad escolar están escolarizados. El sistema abarca zonas urbanas, rurales y montañosas, e incluye a niños con discapacidad mediante sistemas especializados de enseñanza. El programa recientemente aplicado para la universalización de la enseñanza universitaria ha propiciado facilidades superiores para una mayor inclusión de la población en estudios superiores. Cuba tiene actualmente 65 universidades y centros independientes y más de 3.000 sedes universitarias distribuidas en los 169 municipios. Cuba alcanzará este año la cifra de 800 mil graduados universitarios y para el próximo curso logrará la matrícula más elevada de su historia en este nivel de enseñanza. Los mecanismos de protección social actúan para evitar la deserción escolar de niños y jóvenes y facilitar la continuidad de estudios hasta los más altos niveles de enseñanza. El sistema de salud es totalmente gratuito. Se trabaja por mantener el pleno empleo. En el cierre del año 2005, la tasa de desempleo fue la más baja de nuestra historia, llegó al 1,9 por ciento. La familia cubana no requiere que sus hijos trabajen para lograr el bienestar familiar. En Cuba, no existen niños desamparados ni mendigando en las calles.</p> <p>EA 2002: Según el Gobierno: Hay un proyecto de cooperación con el Gobierno de Finlandia y el Fondo de las Naciones Unidas para la Infancia (UNICEF) con cobertura nacional para la divulgación de los derechos de la infancia, que tiene como marco teórico la Convención de los Derechos del Niño. Las acciones están dirigidas a madres, padres, niños, niñas y el personal docente, entre otros.</p>	
	<p>Iniciativas especiales/Avances</p>	<p>EAs 2002-2005: Según el Gobierno: Aunque en Cuba no existen las peores formas de trabajo infantil, el Código del Trabajo y sus reglamentos conexos son objeto de revisiones y enmiendas periódicas para su perfeccionamiento lo que garantiza que se adapten a la realidad y a la práctica del país, así como a los convenios pertinentes ratificados por Cuba. Una de las medidas más eficaces para impedir la existencia de las peores formas de trabajo infantil es el sistema de seguridad social cubano que cubre a todos los trabajadores y a toda la población. El sistema educacional es enteramente gratuito hasta los más altos niveles de enseñanza, y se trabaja por mantener y propiciar la continuidad de estudios de niños y jóvenes, solucionar los problemas sociales y familiares que puedan dar lugar a la deserción escolar de los jóvenes y mantener una estrecha vigilancia del cumplimiento de la legislación laboral y de seguridad social que prohíben el empleo de menores de 17 años y, en aquellos casos en que los jóvenes acceden al empleo a los 17 años, cumplir con los requisitos que prohíben el trabajo peligroso.</p>	
<p>DIIFICULTADES ENCONTRADAS EN REALIZAR EL PRINCIPIO Y DERECHO</p>	<p>Según los interlocutores sociales</p>	<p>Organizaciones de Empleadores</p>	<p>Ninguna.</p>
		<p>Organizaciones de Trabajadores</p>	<p>EA 2006: La CTC señala que ninguno de sus 170 mil sindicatos de base afiliados ha detectado violaciones sobre las peores formas de trabajo infantil.</p>

	Según el Gobierno	<p>EA 2012: Según el Gobierno: La aplicación de la C.182 no encuentra obstáculos en nuestro sistema de relaciones laborales ni en la legislación y práctica nacional cubanas.</p> <p>EAs 2007-2008: Según el Gobierno: A pesar de las dificultades económicas y de la coyuntura internacional que afecta negativamente la economía, se mantiene el principio de prohibición del trabajo infantil y se mantienen los mecanismos de supervisión para impedir violaciones del mismo. En estas condiciones económicas y sociales no ha sido necesario solicitar la cooperación técnica para evitar el trabajo infantil.</p> <p>EA 2003: Según el Gobierno: A pesar del bloqueo económico y comercial impuesto por los Estados Unidos, la voluntad política del Gobierno de atender con prioridad a los niños y los jóvenes demuestra que la escasez de recursos no justifica el trabajo infantil.</p> <p>EA 2002: Según el Gobierno: Los obstáculos principales han sido la disponibilidad de recursos y el bloqueo económico y comercial impuesto por los Estados Unidos que ha pretendido ahogar por hambre y enfermedades al pueblo cubano e impedido obtener niveles de vida superiores para toda la población incluyendo la infancia. No obstante esta situación, no existen en el país las peores formas de trabajo contempladas en el Convenio ni trabajo infantil.</p>
COOPERACION TECNICA	Solicitud	<p>EA 2007: Según la CTC: No se necesita colaboración técnica de la OIT para la erradicación de las peores formas de trabajo infantil.</p> <p>EAs 2002 y 2005: Según el Gobierno: No es necesario tener la cooperación técnica de la OIT para eliminar las peores formas de trabajo infantil, toda vez que no existen.</p>
	Oferta	Según el Gobierno: UNICEF, UNFPA, UNDP, WHO/ <i>Pan American Health Organization</i> (PAHO).
OBSERVACIONES/ RECOMENDACIONES DE LOS EXPERTOS CONSEJEROS	EA 2008: Los Expertos Consejeros en la Declaración de la OIT consideran que la ratificación universal de los convenios sobre el trabajo infantil no es un sueño distante sino un objetivo posible realizable, tomando en cuenta el número de Estados, incluyendo Cuba, que han expresado su intención de ratificar el C.138 y/o el C.182 (cf. párrafo 56 de la Introducción del Examen anual de 2008 – OIT: GB.301/3).	
OBSERVACIONES/ RECOMENDACIONES DEL CONSEJO DE ADMINISTRACION	EA 2009: Durante su reunión de marzo de 2009, el Consejo de Administración incluyó la revisión del seguimiento de la Declaración de la OIT de 1998 relativa a los Principios y Derechos Fundamentales del Trabajo en el orden del día de la 99ª Conferencia Internacional del Trabajo de 2010.	
RESOLUCION DE LA CONFERENCIA INTERNACIONAL DEL TRABAJO	EA 2011: Después de un debate tripartito en la Comisión de la Declaración de 1998, la 99ª reunión, 2010, de la Conferencia Internacional del Trabajo adoptó una Resolución sobre el seguimiento de la Declaración de la OIT relativa a los principios y derechos fundamentales en el trabajo en 15 de junio 2010. El texto adjunto a esta Resolución reemplaza el anexo de la Declaración relativa a los principios y derechos fundamentales en el trabajo, y se titula «anexo de la Declaración de 1998 (revisado)». En particular, la Resolución «[toma] nota de los avances realizados por los Miembros en lo que atañe al respeto, la promoción y la realización de los principios y derechos fundamentales en el trabajo, y de la necesidad de apoyar esos avances manteniendo un mecanismo de seguimiento». Para más información, consulte las páginas 3-5 del siguiente enlace: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143168.pdf .	



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: ERITREA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2001, 2002 Annual Reviews (ARs). No change report for the 2011 AR.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Eritrea Federation of Employers (EFE) and the National Confederation of Eritrean Workers (NCEW) through communication of government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the EFE. 2010 AR: Observations by the EFE. 2009 AR: Eritrea Federation of Employers (EFE). 2008 AR: Observations by the EFE. 2006 AR: Observations by the EFE.	
	Workers' organizations	2012 AR: Observations by the NCEW. 2010 AR: Observations by the NCEW. 2009 AR: Observations by the NCEW. 2008 AR: Observations by the NCEW. 2006 AR: Observations by the NCEW.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Eritrea ratified in 2000 the Minimum Age Convention, 1973 (No. 138) (C.138). However, it has not ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). Eritrea is signatory of the Convention on the Right of the Child.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

		<p>Ratification intention</p>	<p>YES, since 2009, for C.182.</p> <p>2010 and 2012 ARs: The Government restated that Parliament was working on the ratification of C.182, which should be expected by 2012.</p> <p>The EFE expressed its support to the ratification of C.182 and expected that the Government would finalize the ratification process in the near future.</p> <p>The NCEW expressed its full support the ratification of C.182 and stated that this ratification was being reviewed by the tripartite partners and the Parliament.</p> <p>2009 AR: The Government stated that the ratification process for C.182 was ongoing as a Bill is currently before Parliament.</p> <p>The EFE and the NCEW supported the Government’s stand.</p> <p>2008 AR: The Government indicated that the ratification of C.182 is still under review.</p> <p>The EFE and the NCEW expressed their support to the ratification of C.182.</p> <p>2006 AR: According to the Government: C.182 is still under review by the National Assembly for possible ratification.</p> <p>2003 AR: The Government stated that it had submitted C.182 to the competent authorities and that the ratification of this Convention was under review.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.182.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>The 1997 Constitution (article 21.1) provides that every citizen shall have the right of equal access to publicly funded social services and that the State shall endeavour, within the limit of its resources, to make available to all citizens health, education, cultural and other social services.</p>
	<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2009 AR: According to the Government: The Ministry of Labour and Human Welfare has recently finalized, in consultation with the employers’ and workers’ organizations, a draft regulation that is designed to regulate the working conditions of young persons in general and to prohibit certain conditions of work which in particular jeopardize the safety, health and moral of children.</p> <p>2002-2003 ARs: According to the Government: the principle and right (PR) is recognized in national policy, legislation and regulations, namely through:</p> <ul style="list-style-type: none"> – Macro Policy No. 13.1.2(a) which concerns basic schooling for children and No. 13.3.2 (h) which concerns legal protection for economic and social forms of exploitation are aimed at ensuring the effective abolition of child labour. <ul style="list-style-type: none"> • Legislation: <p>The Labour Proclamation of Eritrea No. 8/1991 prohibits the employment of minors under 14 years of age and under 18 years of age in certain conditions. Under section 9 (1) of the Labour Proclamation N^o 118/2001, the minimum age for employment is 14 years.</p>	

		Basic legal provisions	(i) The Constitution (section 21.1); the Labour Proclamation of Eritrea No. 118/2003; (ii) the Labour Proclamation of Eritrea No. 8/1991; (iii) the Transitional Penal Code 1991 (section 3 (A) – Provisions prescribe slavery, sale, trafficking and serfdom of children and forced or compulsory labour; section 565, section 607 – Organization of Trafficking Person; section 3 (B) – Provisions proscribe the use, procuring or offering of children for prostitution and other indecent acts; section 606; section 3 (C) – Provisions proscribing offering a child for illicit activities, in particular for the production and trafficking of drugs; and section 510 3 (b)), and (iv) The Draft Penal Code of Eritrea (section 390 – Supply of Controlled Drugs or Controlled Plants to a Minor for Trafficking; section 391 – Procuring a Minor to Traffic in Controlled Drugs or Controlled Plants; section 3 (D) Provisions proscribing work which by its nature or circumstance is likely to harm the health, safety or moral of children.
		Judicial decisions	NIL.
Exercise of the principle and right		Compulsory education	YES: The age of completion of free compulsory schooling (14 years) corresponds to the minimum age for admission to employment or work, with a general requirement of seven years/grades of instruction.
		Minimum Age	2003 AR: General minimum age for admission to employment or work: 14 years for both boys and girls (Labour Proclamation No. 8/1991, section 32.2, and section 9 (1) of the Labour Proclamation N° 118/2001). Hazardous work: Minimum age of 18 years for both boys and girls section 69(1) of the Labour Proclamation of Eritrea No. 118/2003 defines hazardous work as: (a) work in passengers'/goods' transport by road, railway, air and sea in dock side and warehouses involving heavy weight lifting, pulling or pushing or any other related type of labour; (b) work connected with toxic chemicals, dangerous machines, electric power generation plants, transformers or transmission lines; (c) underground work, such as mines, quarries and similar work; and (d) working in sewers and tunnel digging.
		Worst Forms Child Labour	2004 AR: According to the Government: Child labour, including its worst forms (such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; prostitution; pornography; illicit activities, in particular production and trafficking of drugs, etc.) does not exist in the country.
		Special attention to particular situations	According to the Government: Street children, child returnees, poor parents and women.
		Information/ Data collection and dissemination	2000 AR: According to the Government: Lack of information and data.
		Monitoring, enforcement and sanctions mechanisms	2012 AR: According to the Government: Under section 143 (1) of the Labour Proclamation, the labour inspection service has power to: (i) supervise the workplaces, oversee the execution of the labour proclamation; (ii) take corrective measures; and (iii) require judicial action against the offender. 2000 AR: According to the Government: the means of implementing the PR are both administrative and legal, especially through judiciary and labour inspection.

	<p>Involvement of the social partners</p>	<p>2012 AR: The Government, the EFE and the NCEW stated that tripartite partners were being involved in the ratification process for C.182 along with the Parliament.</p> <p>According to EFE: Ratification of C.182 has been discussed by the Government, employers' and workers' representatives jointly with the ILO. No contradictions to Eritrean law were identified, leading to a successful approval from the involved parties.</p> <p>2010 AR: The NCEW stated that the process of ratification of C.182 was being reviewed by tripartite partners and the Parliament.</p> <p>2009 AR: According to the Government: A tripartite committee is currently in place for the implementation of C.182 at national level.</p> <p>2005 AR: According to the Government: the World Bank Fund is supporting a special Programme known as Early Childhood Development (ECD) and which is being conducted to realize the PR.</p> <p>2000 AR: According to the Government: some provisions of the Labour Proclamation No. 8/1991 are being revised by the Government, in consultation with social partners, in order to take into consideration the suggestions made by the ILO concerning the PR.</p>
	<p>Promotional activities</p>	<p>2010 AR: According to the Government: Even if C.182 has not yet been ratified, the elimination of child labour and its worst forms has dealt with in national policy and laws.</p> <p>The NCEW indicated that it had organized workshops to sensitize the social partners and stakeholders on the PR.</p> <p>2009 AR: According to the Government: A tripartite committee is currently in place for the implementation of C.182 at national level.</p> <p>According to the NCEW: Awareness and Advocacy activities were carried out on C.182.</p> <p>2007 AR: According to Government: the Labour Department is planning to conduct a child labour survey in 2007.</p> <p>2000 AR: According to the Government: Various measures were being undertaken on child issues, including:</p> <ul style="list-style-type: none"> – Street Children Rehabilitation Programme, with various measures promoted, <i>inter alia</i>, by street educators; – Poverty alleviation Programmes, with income-generating activities for poor parents in urban areas and a cash-for-work Programme in rural areas; – Special support for women's literacy, income-generating schemes and increased participation and legal rights, taking into account the important flow-on effect between the social and economic situation of women and the welfare of children; – Special Programmes in favor of child returnees carried out by the Eritrea Relief and Refugees Commission; – A regular sensitization campaign on child issues, including special activities for the International Children's Day. – In August 1999, the ILO organized in Asmara a National Workshop on International Labour Standards and the 1998 ILO Declaration on Fundamental Principles and Rights at Work; – In October 1999, a national tripartite delegation participated in the First African Regional Workshop on Promoting the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, organized in Dakar, Senegal; – The ILO EAMAT, Addis Ababa and ILO Cairo, has assisted the Government in defining its country objective Programme under the Support for Policy and Programme Development (SPPD) Project in which the issue of child labour has been taken into consideration. – UNICEF is providing training on child issues to Government officials and is also supporting NGOs working in the field of children and youth, such as the National Youth and Students' Association and the National Eritrean Women's Association.

	Special initiatives/Progress	<p>2009 AR: According to the Government: The Ministry of Labour and Human Welfare has recently finalized, in consultation with the employers' and workers' organizations, a draft regulation that is designed to regulate the working conditions of young persons in general and to prohibit certain conditions of work which in particular jeopardize the safety, health and moral of children.</p> <p>2004 AR: According to the Government: Parents were encouraged to send their children to schools and parents whose children worked due to economic constraints have been provided with social assistance, stipends along with free schooling and free kits for school such as books and exercise books, etc.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to the EFE: Obstacles identified by the EFE are only related to bureaucratic procedures hampering the finalization of the ratification process.</p> <p>2010 AR: According to the EFE: The worst forms of child labour exist in the informal economy only, and are almost non-existent in the formal economy.</p> <p>2009 AR: According to the EFE: A well-developed economy will help eliminate child labour, together with a free and compulsory education system that retain children in schools and prevent them from being used for child labour. Moreover, social support should be used as a tool to eliminate child labour.</p> <p>2008 AR: The EFE indicated that current political instability in Eritrea has made it more difficult to eliminate child labour in the country.</p>
		Workers' organizations	<p>2010 AR: According to the NCEW: The main challenges in promoting the PR are as follows: (i) understanding by the social partners of the worst forms of child labour; (ii) sensitization of the population on the PR; (iii) capacity building of the social partners; and (iv) the existence of child labour in the informal economy.</p> <p>2009 AR: According to the NCEW: Other national priorities tend to delay the need for the ratification of C.182.</p> <p>2008 AR: According to the NCEW: child labour appears to be on the increase in the country, and it is therefore a concern to raise awareness on this issue.</p>
	According to the Government	<p>2012 AR: According to the Government, the EFE and the NCEW: There is a lack of capacity of the tripartite partners concerning the PR, and ILO should provide in particular technical support on the form of training workshops in helping labour inspectorate services identify child issues in the country.</p> <p>2010 AR: The main challenges in promoting the PR are as follows: (i) understanding by the social partners of the worst forms of child labour (ii) lack of sensitization of the population on the PR; and (iii) lack of national survey on the worst forms of child labour.</p> <p>2009AR: According to the Government: Further national action need to be carried out to implement the provisions of C.182 so as to fully benefit from it and protect children at national level.</p> <p>2004 AR: According to the Government: Poverty is the major obstacle with respect to realizing the PR. Thirty years of devastating war, current boarder conflict and drought have escalated poverty, which forced many children to work and thus making its abolition difficult.</p>	

TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government, the EFE and the NCEW: ILO should organize training workshops to sensitize the social partners and strengthen their capacity in dealing with child labour issues in the country. This support is instrumental and should help speed up the ratification process for C.182. ILO should make the difference compared to the previous years in providing effective assistance and follow-up to help reporting States promote the fundamental principles and rights at work and possibly ratify the relevant instruments.</p> <p>2010 AR: According to the Government, the EFE and the NCEW: More ILO technical cooperation is needed, particularly in the following areas: (i) training of government officials on submission and reporting issues; (ii) awareness raising campaign for the stakeholders and the population in general; and (iii) strengthening of Government’s capacity in implementing the PR.</p> <p>2009 AR: The Government reiterated the requests for ILO technical cooperation defined under the 2006 AR.</p> <p>According to the EFE: There is no need for ILO technical cooperation on the PR until the domestic issues are addressed as earlier stated in the challenges.</p> <p>The NCEW stated that ILO’s technical cooperation was needed to create a synergy between the Government and workers’ organizations on the benefits of C.182. ILO action would also be essential in helping assess the magnitude of child labour in the country with a view to reducing it.</p> <p>2008 AR: The EFE requested ILO technical cooperation in supporting Eritrea’s sustainable development. This will increase population’s living standards through a “cash for work” policy and therefore reduce child labour in the country. It also added that capacity building of employers on child labour and the Declaration Follow-up is needed.</p> <p>According to the NCEW: technical and financial support is needed from the ILO in order to eliminate child labour in Eritrea, in particular supporting awareness raising campaigns and training on the Declaration FPRW.</p> <p>2006 AR: Technical cooperation: The Government strongly requested ILO technical cooperation, namely for the establishment of an ILO/IPEC Programme to support the country in its struggle against child labour, in particular in its worst forms. This Programme should be preceded by a national survey on child labour, the recommendations of which should be discussed during a national tripartite “plus” workshop on the ILO Fundamental Conventions and the Declaration. The Government also reiterated its previous request for ILO technical cooperation to facilitate the realization of the PR in Eritrea in the following areas, in order of priority: (1) special Programme for the elimination of the worst forms of child labour; awareness raising, legal literacy and advocacy; sharing of experience across countries, regions; capacity-building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); and (2) data collection and policy advice; employment creation, skills training and income generation; social protection systems.</p> <p>The Employers’ Federation of Eritrea (EFE) supported the Government’s request for ILO technical cooperation and stressed the need for sensitization and capacity building of employers to fight against child labour in the various regions of the country.</p> <p>The National Confederation of Eritrean Workers (NCEW) made a special call for ILO technical cooperation to strengthen its capacity to fight against the child labour scourge in Eritrea, namely by supporting the activities of its national training centre and its regional activities.</p> <p>2005 AR: According to the Government: Needs for ILO technical cooperation to facilitate the realization of the PR in Eritrea exist in the following areas, in order of priority: (1) special Programme for the elimination of the worst forms of child labour; awareness raising, legal literacy and advocacy; sharing of experience across countries and regions; capacity-building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); (2) data collection and policy advice; employment creation, skills training and income generation; social protection systems.</p>
	Offer	2000-2005 ARs: ILO, UNICEF and the World Bank.

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: INDIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000. No change reports for the 2005 AR.
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' (the All India Association of Industries (AIAI), the PHD Chambers of Commerce and Industries (PHDCCI), the Council of Indian Employers (CIE), the Employers' Federation of India (EFI), the All India Organisation of Employers (AIOE), the Standing Conference of Public Enterprises (SCOPE), the All India Manufacturers' Organisation-Lagdhu Udyog Bharati (AIMO)) and workers' organizations (Bharatiya Mazdoor Sangh (BMS), the Indian National Trade Union Congress (INTUC), the Centre of Indian Trade Unions (CITU), Hind Mazdoor Sabha (HMS), the All India Trade Union Congress (AITUC) and the National Front of Indian Trade Unions (NFTI)) through communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2012 AR: Observations by the CIE.</p> <p>2011 AR: Observations by the AIOE and the CIE.</p> <p>2010 AR: Observations by the PHDCCI.</p> <p>2009 AR: Observations by the AIAI. Observations by the PHDCCI.</p> <p>2008 AR: Observations by the CIE and its 18 affiliates.</p> <p>2007 AR: Observations by the Employers Federation of India (EFI).</p>
	Workers' organizations	<p>2012 AR: Observations by the BMS. Observations by the CITU.</p> <p>2011 AR: Observations by the INTUC.</p> <p>2010 AR: Observations by the AITUC.</p> <p>2009 AR: Observations by the INTUC.</p> <p>2008 AR: Observations by the AITUC. Observations by the Bharatiya Mazdoor Sangh (BMS).</p> <p>2007 AR: Observations by HMS. Observations by INTUC.</p> <p>2003 AR: Observations by HMS. Observations by the International Confederation of Free Trade Unions (ICFTU).</p> <p>2002 AR: Observations by the World Confederation of Labour (WCL).</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	India has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).
		Ratification intention	<p>To be considered at a later stage. Ratification of C.138 will be considered once the national laws are in conformity with the provisions of these instruments. Ratification of C.182 is being considered since 2010.</p> <p>2012 AR: According to the Government: Ratification of C.182 is being considered. However, it is a gradual process. The CIE expressed its full support for ratification. The BMS indicated that it was fully supporting ratification of C.138 and C.182, like most trade unions in India do. CITU believed that, as founding Member of the ILO, it should be the responsibility of the Government of India to ratify all ILO fundamental Conventions, including C.138 and C.182.</p> <p>2011 AR: According to the Government: The Government is considering various issues for the ratification of C.182. The AIOE and the CIE and INTUC reiterated it was strongly supporting ratification of C.182 by India, while being confident that this instrument would be ratified by India before the next International Labour Conference.</p> <p>2010 AR: The PHDCCI reaffirmed its support to the ratification of C.138 and C.182 by India. The AITUC expressed its full support to the ratification of C.138 and C.182 by India and urged the Government to ratify C.138 and implement this PR in the country.</p> <p>2009 AR: The Government reiterated the statement made on ratification under the 2009 AR (i.e., that ratification of C.138 and C.182 would be considered once the national laws are in conformity with the provisions of these Conventions). The AIAI, the PHDCCI and the INTUC expressed their full support to the ratification of C.138 and C.182 by India.</p> <p>2008 AR: The CIE, the AITUC and the BMS expressed their support to the ratification of C.138.</p> <p>2007 AR: The Government of India reiterated its statement under the 2006 AR that ratification of C.138 and C.182 would be considered after enactment of national laws in conformity with the requirements of these Conventions. According to the EFI: C.138 and C.182 should be ratified by India at a later stage. According to the HMS and INTUC: The ratification of C.138 and C.182 is supported by all trade unions of India. A tripartite committee regarding the ratification of C.138 and C.182 met in May 2006 in Delhi, and trade unions hope that ratification of these instruments will take place soon in India, together with ratification of all the remaining fundamental Conventions.</p> <p>2006 AR: According to the Government: India is firmly committed to the elimination of all forms of child labour and particularly the worst forms of child labour. The matter of ratification of C.182 is being taken seriously at the Government level and will be considered once the national laws are in conformity with the requirements of the Conventions. As far as Convention No. 138 is concerned the Government states that its ratification will be considered after enactment of central legislation for fixing the minimum age for admission to employment.</p>

			<p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government is considering ratification of C.138 and C.182.</p> <p>The Government stated that ratification of C.138 would be considered after the enactment of central legislation for fixing minimum ages for admission to employment and for undertaking hazardous work.</p>
<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>		<p>YES.</p> <p>2012 AR: According to the CIE: India, based on its Constitution, is a democratic and welfare State, taking very seriously the mental, physical and well being of its constituents</p> <p>2006 AR: The Constitution of India was amended. The Constitution (86th) Amendment Act, 2002, published in the Gazette of India on 13th December 2002, enshrines the right of education for children from 6 to 14 years as a fundamental right. It provides the following:</p> <ul style="list-style-type: none"> – Insertion of New article 21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine”. – Substitution of new article for article 45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.” – New clause to article 51A after the clause (j) i.e. clause “(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years”. <p>2000-2004 ARs: According to the Government: article 24 of the Constitution prohibits employment of children below the age of 14 years in factories, mines and other hazardous employments. article 39 (Directive Principles) of the Constitution stipulates that the children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that childhood and youth be protected against exploitation and against moral and material abandonment. These articles have been complemented by article 45 (Directive Principles) stating that the State should endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they reach the age of 14 years. However, despite these constitutional provisions, India cannot achieve much progress towards the eradication of child labour and compulsory education for all children.</p>
	<p>Policy, Legislation and/or regulations</p>		<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: There is a national Integrated Child Development Programme that provides incentives (health care, nutrition) for expectant mothers and children 0-6 years.</p> <p>2009 AR: According to the Government: The following steps are being taken: (i) launching of a countrywide campaign of Education-for-all for providing education to all the children within the age limit; (ii) launching of the scheme of the national Child Labour Projects (NCLP) for rehabilitation of child labourers; and (iii) launching of the scheme of National Rural Employment Guarantee (NREG) in 2007 to provide a minimum of 100 days of assured employment in a year to at least one adult member of every rural household to enable them send their children to school.</p>

			<p>2000-2002 ARs: According to the Government: Eradication of child labour is one of the important objectives in the social policy. Accordingly, India has all along followed a proactive policy in the matter of tackling the problem of child labour and a national policy on Education was adopted in 1986.</p> <ul style="list-style-type: none"> - Article 39 (Directive Principles) stipulates that the State should in particular direct its policy towards securing the health and strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength. - A National Policy on Child Labour was announced in 1987, which contains the action plan for tackling child labour. The India National Policy on Education, 1986 provides for free and compulsory education for all children up to the age of 14 years. <p>• Legislation/Regulations:</p> <p>2012 AR: According to the Government: Right to Education Act 2010, National Rural Employment Guarantee Act 2006.</p> <p>According to the Government: The Government is actively considering enacting central legislation for fixing a minimum age of 14 years for admission to work in all occupations excluding agriculture in family and smallholdings; and of 18 years for admission to any work that jeopardizes the health, safety or morals of young persons. The Child Labour (Prohibition and Regulation) Act, 1986, prohibits employment of children below the age of 14 years in 13 hazardous occupations and 57 hazardous processes. The Government has also prohibited in 2006 employment of children as domestic workers and in teashops, dhabas, motels, restaurants.</p>
		Basic legal provisions	The Constitution of India, articles 21, 24, 39, 45 and 51; (ii) the Child Labour (Prohibition and Regulation) Act, 1986; (iii) the Factories Act 1948; (iv) the Mines Act; (v) the Motor Transport Workers' Act; (vi) the Immoral Trafficking Prevention Act (ITPA) 1956; (vii) the Indian Penal Code (IPC); (viii) Act No. 45 of 1860; (ix) the Code of Criminal Procedure, 1883; (x) the Evidence Act, 1872; (xi) the Juvenile Justice Act (JJA), 2000; (xii) the Indian Information Technology Act 2000 (xiii) Right to Education Act 2010 and (xiv) National Rural Employment Guarantee Act 2006.
		Judicial decisions	2000 AR: In a Supreme Court judgment, dated 10 December 1996 (Writ Petition (Civil) No. 465/1986), the Honourable Court gave certain directions regarding the manner in which children working in hazardous occupations are to be withdrawn from work and rehabilitated, and in which the working conditions of children in non-hazardous occupations are to be regulated and improved.

Exercise of the principle and right	Compulsory education	The compulsory age for schooling of children in India is 6-14 years of age for both boys and girls. To complete compulsory education, 8 years/grades of instruction are required.
	Minimum Age	Legislation in India does not establish a general minimum age for admission to employment.
	Worst Forms of Child Labour	<p>2005 AR: According to the Government: The following worst forms of child labour are believed to exist in India for both boys and girls: (i) sale and/or trafficking; (ii) debt bondage, serfdom; (iii) forced or compulsory labour; (iv) prostitution; and (v) pornography.</p> <p>2003 AR: According to the Government: Special efforts have been made to combat the trafficking of women and children. These include: (i) drawing up of a National Plan of Action (1998) and constitution of a National and State Advisory Committees to combat trafficking; (ii) review of the legal framework; (iii) awareness-raising of government departments, police and civil society; (iv) assistance schemes to NGOs to work in areas of origin and destination; (v) enhanced rescue operations since 2001; (vi) signature of the SAARC Convention against trafficking for prostitution.</p> <p>2002 AR: According to the Government: The amendment of existing legislation to address the elimination of the worst forms of child labour was under examination.</p>
	Special attention to particular situations	<p>2012 AR: According to the Government: child labour is forbidden in hazardous industries, and there is no child labour in this sector.</p> <p>The CIE mentioned that there was no child labour in fireworks.</p> <p>2009 AR: The Government indicated that it was following a sequential approach to the issue of child labour by first targeting children up to 14 years of age in hazardous work.</p> <p>2003 AR: According to the Government: Special measures have been undertaken to combat trafficking of women and children.</p>
	Information/ Data Collection and Dissemination	<p>2012 AR: According to the Government: National GDP will grow up to 8.5 per cent for 2011. If productivity grows, social programmes will become more sustainable.</p> <p>2006-2007 AR: According to the 2001 Census, the estimated figures of working children were 12.66 million.</p> <p>AR 2002-2005 ARs: According to the Government: Every ten years, a census is undertaken providing information on the extent and/or nature of child work.</p> <ul style="list-style-type: none"> – Surveys of working children are also undertaken by National Sample Survey Organizations at stipulated frequencies. The last Census was undertaken in 2001. The results are presented separately by sex, occupation and type of activity. The age groups are from 5 to 14 years old. – The Government records the number of children withdrawn from child labour, the number of ex-child labourers pursuing formal or non-formal education and the sanctions applied to users of child labour. <p>2000 AR: According to the 1991 census, the estimated figure of working children was 11.28 million.</p>

	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2009 AR: According to the Government: The Government is closely monitoring the implementation of child labour rehabilitation program through the National Child Labour Project (NCLP) and at both the national (by the Central Monitoring Committee) and state levels (by Monitoring Cells). Regular inspections and raids are being conducted by state governments to detect cases of violation and reports are compiled.</p> <p>2002 AR: According to the Government: the following specific measures and programmes of action to eliminate the worst forms of child labour have been implemented: legal reform; inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions; and special institutional machinery.</p> <p>2000 AR: According to the Government: The Child Labour Act provides for the appointment of inspectors. The Act also provides that an inspector or any other person or police officer may file complaints under the Act. The Act provides for penalties including imprisonment for terms ranging from three months up to one year and a fine.</p>
	<p>Involvement of the social partners</p>	<p>2009 AR: According to the Government: Employers' and workers' organizations are being involved in the realization of the PR in India, along with NGOs and other actors.</p> <p>2003 AR: According to the Government: Hind Mazdoor Sabha's observation indicates that workers' organizations are involved in awareness raising, advocacy, ensuring a special clause in wage agreements, running some Non-Formal Education and Rehabilitation Centres for child labourers and pressuring the Government to adopt policies of compulsory and free education and employment creation and income generation schemes.</p> <p>2002 AR: According to the Government: The employers' and workers' organizations involved in the development and implementation of measures and programmes of action are represented as members of the Central Advisory Board on Child Labour and the National Steering Committee, ILO/IPEC. They participate in the deliberations of the Committee and the Board, and are involved in the implementation of projects at the district level.</p>
	<p>Promotional activities</p>	<p>2012 AR: According to the Government: There is a special meal programme in schools in India.</p> <p>According to CIE: If any child is found working in the private sector, he/she will automatically be pulled out and sent to school.</p> <p>According to BMS: They have four educational programmes in regions where children were employed in fireworks (Bhopal, Orissa, Hyderabad and Haryana). In Haryana, the campaign to call children to school was very successful and has coverage on the ITUC magazine. They are also planning a rally in Delhi before Parliament on July 26, 2011 to establish Trade unions rights (strike, pension, etc.).</p> <p>CITU mentioned that it had conducted several campaigns, workshops and other programmes to eliminate child labour in cooperation with ILO and IPEC.</p> <p>2011 AR: According to the AIOE and the CIE: India has several instruments on the PR very strictly prohibiting child labour in the country. There are programmes on the abolition of child labour. Bridge schools have helped withdraw children from work for integration to school. Employers are supporting the Government move in this direction. There is child labour in the organized sector. The AIOE has produced and circulated guidelines to its members requesting them not to employ children neither in their personal business nor in the value chain</p> <p>2009 AR: According to the Government: Measures are being taken to secure prohibition and elimination of worst forms of child labour as prescribed under C.182. However, the Government is following a sequential approach and presently targeting children up to the age of 14 years only, which are to be provided free and compulsory education.</p> <p>The AIAI mentioned that its campaign activities had contributed to the combat against child labour in the country.</p> <p>The INTUC indicated that it had carried out a campaign on the ills of child labour in districts and the school environment.</p>

		<p>2007 AR: According to the Government: A joint project in partnership with the US Department of Labour (US DOL) for rehabilitation of working children called the INDUS Project is under implementation since 2004. The INDUS Project is funded by US \$ 40 million with equal contribution of Government of India and US DOL. At present, INDUS is functioning in 21 districts in 5 states of the country, and presently 956 Transitional Education Centres are covering 47,800 children. A financial support has been provided for the rehabilitation of child labour in the financial year 2005-06. Moreover, under the Grant-in-Aid (GIA) Scheme, funds are released by NGOs to set up special schools on the model of the National Child Labour Project (NCLP) schools. At present, 220 special schools are covering 11,000 children. Financial support has also been provided for the rehabilitation of child labour in the financial year 2005-06.</p> <p>The EFI indicated that it was in favour of the eradication of child labour through tripartite fora, publication of labour market information including child labour and awareness raising activities on the PR.</p> <p>According to HMS and INTUC: Under the Decent Work Country Programme, HMS and INTUC organized workshops on fundamental Conventions. Moreover, HMS, INTUC and AITUC opened schools and promoted schooling for poor children in tobacco industries (Beedi handmade cigars) in the framework of INDUS. Activities included distribution of books and posters for child labour prevention and a week celebration for the abolition of child labour. In addition, HMS and INTUC organize workers' awareness raising activities on fundamental Conventions, national laws and judicial decisions.</p> <p>2006 AR: According to the Government: Special schools have been established for providing formal and vocational training through the National Child Labour Projects (NCLPs)'. Supplementary nutrition, stipend, health care, etc., are also provided to children withdrawn from the employment. Three main policies are pursued, namely legal action plan for strict law enforcement; use of ongoing development projects for contributing to elimination of child labour; and projects for the welfare of working children in areas of high concentration of child labour.</p> <p>2002-2005 ARs: According to the Government: The following specific measures and programmes of action to eliminate the worst forms of child labour have been implemented: employment creation/ income generation; social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; awareness raising/ advocacy; and international cooperation programmes or projects.</p> <p>2000 AR: According to the Government: National Child Labour Projects (NCLPs) have been set up to rehabilitate child labourers, including the establishment of special schools to provide non-formal education, vocational training, supplementary nutrition, etc. to children withdrawn from employment. So far, 83 child labour projects had been approved, with 150,000 children enrolled in special schools. Under the NCLP Scheme, three main policies are pursued: legal action plan for strict law enforcement; use of ongoing development projects for contributing to elimination of child labour; and projects for the welfare of working children in areas of high concentration of child labour.</p>
	<p>Special initiatives/Progress</p>	<p>2011 AR: According to the AIOE and the CIE: 22 informal sector organizations of India came together and founded one umbrella organization (CEASE CHILD LABOUR) to withdraw children from the informal sector and put them into education, as education is the alternative to child labour.</p> <p>2009 AR: According to the Government: The state governments have been requested to prepare their own State Action Plan for taking a targeted approach towards enforcement and rehabilitation measures concerning the NLCP. In addition, an evaluation of the implementation of the NLCP Scheme is being carried out with the help of independent agencies, which would provide inputs about its performance in different districts/States during the last Five-year Plan period and help in further expansion and improvisation of the Scheme in the current Plan. The Ministry has introduced an "Area Officers" Scheme under which Senior Offices of the Ministry are deputed to visit their allocated States where NCLP scheme is running to monitor the implementation of the Scheme.</p>

		<p>2006 AR: According to the Government: National Child Labour Projects (NCLPs) are implemented in 250 districts with 5394 special schools rehabilitating 2.77 lakh children. An amount of Rs. 93.158 cores have been spent on various schemes for rehabilitation of child labour in the financial year 2004-05. Over 3.23 lakh children have already been withdrawn and mainstreamed into the formal education system.</p> <p>2005 AR: According to the Government: The National Child Labour Projects (NCLP), Grant-in-aid projects and projects under IPEC have yielded encouraging results. Civil society organizations have also played an important role. Specific measures taken include employment creation/income generation, vocational and skills training, social assistance programmes and child rehabilitation following removal from work.</p> <p>2003 AR: According to the Government: NCLPs were functioning in 100 districts, covering 211,000 children (in 2001) with funding of over Rs2.5 billion. Over 150,000 children had already been withdrawn and mainstreamed into the formal education system.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2012 AR: According to CIE: Poverty and the socio-economic conditions in the country are preventing the Government from ratifying C.138 and C.182. Also, there are various laws on minimum age for the depending on each sector of activity/industry of the economy.</p> <p>2010 AR: According to the PHDCCI: Poverty and the socio-economic conditions in the country are the difficulties preventing the Government of India from ratifying C.138 and C.182.</p> <p>According to the AITUC: Tripartite meetings are needed with the Government members on this PR. The legal minimum age at work is 14 years and the trade unions are in negotiation with the government to bring the legal minimum age at work to 18 years.</p> <p>2009 AR: According to the AIAI: The Government should adopt a more proactive approach on the PR issues. There is a need for the full implementation of free and compulsory education by putting in place a retention mechanism that culminates to graduation. Incentives such as: food, financial assistance and clothing when given, will aid to full implementation of the program. In addition, more vocational training centers should be established to sustain the non-formal educational training program. A supervisory mechanism should be put in place by multinational corporations that will steam the employment of child labourers as well as creating a safety standard for teenage workers. A code of practice to be used by labour inspectors will also help realize the PR.</p> <p>2007 AR: According to the EFI: Child labour exists in the agricultural sector and the informal economy. It is almost non-existent in the formal sector.</p>
		<p>Workers' organizations</p>	<p>2012 AR: The BMS indicated that some of the challenges were as follows: (i) the economic situation (poverty especially in rural areas) pushes families to send their children as domestic workers or in tapestry; (ii) the lack of sustainable economy in sectors such as tapestry, textile (family owned and industry) where it is common belief that children have softer hands for quality work; and (iii) there are no incentives (income or social programmes) for protection of family owned businesses.</p> <p>According to CITU: Child labour is linked with parental poverty. Unless poverty is alleviated, child labour cannot be eradicated. The magnitude of child labour is variable in India and depends on various aspects of human development. However, it has come down to some extent in certain areas and states.</p> <p>2008 AR: The AITUC indicated that the same challenges mentioned by the HMS and INTUC in the 2007 AR and added that remunerations should therefore be increased in order to improve the rate of schooling among children. It added that the main difficulty lied in the informal economy.</p>

			<p>2007 AR: According to HMS and INTUC: Poverty is the major obstacle to the abolition of child labour in India. A Poverty Reduction Strategy Programme (PRSP) is being conducted to fight against poverty in the country.</p> <p>2003 AR: The ICFTU maintained that governmental efforts to reduce child labour had yet to have much impact, and that the problem remained enormous. Around half of India's child labourers are engaged in dangerous occupations and the other half work elsewhere in the informal sector. Some sectors with child labour produce for export (e.g. gem-stones, carpets and textiles). Further, ICFTU stated that the constitutional provision to provide free and universal primary education had not been put into effect.</p> <p>2003 AR: According to HMS, the main obstacles are the political will of the Government, lack of free and compulsory education, poverty, unemployment, public apathy and land reforms.</p> <p>2002 AR: According to the WCL, the main causes of child labour include poverty, especially in rural areas, lack of free educational facilities and consequent illiteracy, lack of labour inspectors and inadequate training and equipment for them, and lack of sufficient rehabilitation projects.</p>
	According to the Government		<p>2009 AR: The Government recognized the nature and magnitude of the child labour problem in India. It also considered that poverty and illiteracy were the major challenges in the area of the elimination of child labour.</p> <p>2005 AR: According to the Government: Poverty, unemployment and illiteracy are the main obstacles.</p>
TECHNICAL COOPERATION	Request		<p>2012 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in India, in particular for capacity building, and especially in developing in-house capacity.</p> <p>According to the BMS: There is a need for ILO technical cooperation to facilitate the realization of this PR in India, in particular in the following areas: awareness-raising; sharing of experiences across countries/regions and training.</p> <p>CITU requested ILO to support poverty alleviation programmes for parents and campaigns for child labour eradication in specific areas.</p> <p>2010 AR: According to the PHDCCI: ILO technical assistance is requested: (i) to develop school infrastructures; (ii) for fund raising campaign and activities; and (iii) for capacity building of tripartite partners.</p> <p>According to the AITUC: ILO/IPEC technical cooperation should be continued, together with the help of other NGOs.</p> <p>2009 AR: The Government sought the extension of the ILO's technical cooperation in developing a common strategy to realize the PR in the sub region.</p> <p>The AIAI requested further ILO's technical support in the implementation of the skill development programmes of UNICEF, IPEC and WHO.</p> <p>2008 AR: The AITUC requested ILO assistance to fight against poverty.</p> <p>The BMS stated that a country assessment on the Declaration Follow-up is needed.</p> <p>2007 AR: According to HMS and INTUC: More ILO support is required under the PRSP in India.</p> <p>2005 AR: According to the Government. The ILO-IPEC Programme is approved until 31 December 2006.</p> <p>2002 AR: The Government sees a need for continued technical cooperation with the ILO in the following areas (in order of priority): (1) employment creation, skills training and income generation; (2) sharing of experience across countries/regions; (3) strengthening capacity of employers' and workers' organizations; (4) capacity building of responsible government institutions; and (5) awareness raising, legal literacy and advocacy.</p>

	Offer	<p>2007-2011 ARs: ILO/IPEC, UNICEF, US DOL, NGOs.</p> <p>2002-2005 ARs: In addition to ILO/IPEC, the Department of Women and Child Development and the Ministry of Labour are working with UNICEF, and the Ministry of Rural Development is working with the United Nations Development Programme (UNDP).</p> <p>2000 AR: India was the first country to join IPEC, through a Memorandum of Understanding (MOU) signed in 1992.</p>
EXPERT-ADVISERS' RECOMMENDATIONS		2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were concerned that few governments, such as India (and three other governments), had indicated their current lack of effort to ratify C.138 and/or C.182 (cf. paragraph 57 of the 2008 Annual Review Introduction – ILO: GB.301/3).
GOVERNING BODY RECOMMENDATIONS		2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION		2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: IRAN, ISLAMIC REPUBLIC OF

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Iran Confederation of Employers' Associations (ICEA)) and workers' organizations (the Iran Confederation of Islamic Labour Councils (ICILC), the Iranian Confederation of Labour Syndicates (ICLS), the High Confederation of Workers' Representatives (HCWR), the High Confederation of Workers' Association (HCWA)) through communication of government reports and tripartite meetings on reporting issues.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the ICEA. 2009 AR: Observations by the ICEA. 2008 AR: Observations by the ICEA. 2007 AR: Observations by the ICEA.	
	Workers' organizations	2012 AR: Observations by the ICLS. 2009 AR: Observations by the ICILC. 2008 AR: Observations by the ICILC. 2007 AR: Observations by the ICILC.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The Islamic Republic of Iran ratified in 2002 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

		<p>Ratification intention</p> <p>YES, since 2001, for C.138.</p> <p>2012 AR: According to the Government: There are no obstacles between the national Constitution and other statutory laws on the one hand, and the provisions of C.138, on the other. Therefore the Government is assessing the possibility to ratify C.138 through a series of comparative studies in order to adjust existing regulations, establish new regulations and eliminate legal obstacles with the aim of establishing a general national policy in the field of minimum age for working.</p> <p>The ICLS expressed its genuine support to the ratification of C.138 by Iran.</p> <p>The ICEA expressed its support to the ratification process of C.138, and stated that there were neither contradiction between Iranian law and C.138. ICEA, nor legal obstacles to the ratification of this instrument, which should be ratified in a near future.</p> <p>2011 AR: According to the Government: The Government is receiving the social partners' and competent authorities' views on the need for ratification of C.138. The provisions of this instrument are taken into consideration in the Labour Code and the Civil Code.</p> <p>2010 AR: According to the Government: The national survey on ratification of C.138 is still in process. Upon its completion ratification issues will considered.</p> <p>2009 AR: According to the Government: A comprehensive tripartite survey has been conducted at national level concerning ratification of C.138. Upon completion, this survey is hoped to facilitate the ratification process. ILO technical assistance is requested in this ratification process.</p> <p>The ICEA and the ICILC reiterated their support to ratification of C.138.</p> <p>2008 AR: The ICEA and the ICILC reiterated their support to ratification of C.138.</p> <p>2007 AR: The Government requested ILO guidance for preparing the grounds for possible ratification of C.138.</p> <p>The ICEA and the ICILC expressed their support for ratification of C.138 by the Islamic Republic of Iran.</p> <p>2006 AR: According to the Government: Possibility of ratification of C.138 is being considered. There are no major barriers/challenges hindering its process of ratification. Workers' and employers' organizations have no particular considerations vis-à-vis the ratification and are in agreement with the Government. The Ministry of Labour and Social Affairs has been carrying out a feasibility study on the issue. However, the process has been delayed, due to the recent change in the Government.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), ratification of C.138 is under consideration.</p> <p>The Government stated that the National Experts' Committee had declared its support for, and adherence to the ratification of C.138. The recommendations of the Committee were to be submitted to the legislature and the Council of Ministers.</p>
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	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. Article 30 of the Constitution provides that the Government has to secure the educational needs of all Iranian citizens free of charge until the completion of high school.
		Legislation, regulations and/or policy	<ul style="list-style-type: none"> • Policy: 2012 AR: According to the Government: With regard to section 227 of the Law of the 5th Development Plan approved on January 5, 2011, the Government shall take a legal action to prepare and develop “The National Document of Security of Women and Children in Social Relations” in collaboration with the relevant national authorities. 2011 AR: According to the Government: The following changes in law and practice took place: (i) Establishment of a special Court for children in the field of child labour for examining related complaints; (ii) Special NGOs combating child labour have been established; (iii) A centralized association for the protection of children and adolescents under threat has been created; 2003-2005 ARs: According to the Government: The national policy/plan aimed at ensuring the effective abolition of child labour, has included the ratification of the United Nations Convention on the Rights of the Child, C.182, and the provision of the labour inspection circular to labour departments. • Legislation: 2012 AR: According to the Government: The Government is continuing the process of approval of the Bill to support children and adolescents who have no family head through a law on Guardians Councils. 2011 AR: According to the Government: The following measures have been adopted: (1) establishment of a working group for monitoring the applications of the regulations related to the child labour abolition in the judiciary; (2) adoption of penalties for violation of regulations by employers; (3) a Law has been adopted for the Protection of Household Women in the Parliament in order to support the household and children; (4) a special court for children in the field of child labour as well as special working group in the judiciary; and (5) adoption of penalties for violations of regulations by employers. The Labor Code (section 79) prohibits the employment of children below the age of 15, and regulates the employment of children aged from 15 to 18 /section 80-84). 2000 AR: The Government envisages examining all possible means of amending the legislation in order to tackle its detrimental effects and to respond better to the fight against child labour. An experts’ committee, set up by the National Confederation of Employers, the National Central of Islamic Labour Councils and the Workers’ House to propose amendments to the legislation, recommended the ratification of the Minimum Age Convention.
		Basic legal provisions	(i) The Constitution, section 30; and (ii) the Labour Code, sections 79, 80, 82, 83 and 176.
		Judicial decisions	NIL.

Exercise of the principle and right	Compulsory education	The age of both boys and girls at the end of this period is 15 years, with a general requirement of 8 years or grades of instruction.
	Minimum Age	<p>The Government has indicated that it is preparing a list for dangerous jobs and prohibition of children employment in these jobs</p> <p>2000-2005 ARs: General minimum age for admission to employment or work for boys and girls: 15 years.</p> <p>This general minimum age covers the following types of work: home work, domestic service, commercial agriculture, light work, and work performed in export processing zones.</p> <p>The minimum age does not apply to work in family-owned/operated enterprises, self-employed work and family and small-scale agriculture though these types of work are subject to strict legal restrictions.</p> <p>Hazardous work: minimum age of 18 years: section 52 of the Labour Code and its subparagraph 1 as well as the Directive on Difficult and Dangerous Work, section 14 of the Public Recruitment Code.</p>
	Worst Forms of Child Labour	C.182 has been ratified.
	Special attention to particular situations	<p>2012 AR: According to the Government: The children who have no family head.</p> <p>2011 AR: According to the Government: There is an interaction that have been arranged between public and non-governmental organizations for the protection for children and young persons that have been endangered by child labour, sexual abuse, drugs, etc.</p> <p>2005 AR: According to the Government: Street children, including children in the informal economy.</p>
	Information/ Data collection and dissemination	<p>2012 AR: According to the Government: The last statistics on monitoring the implementation of child labour regulations are as follows. Out of 38630 inspections that were conducted in 2009 in connection with child labour, two employers were found guilty by courts.</p> <p>2011 AR: According to the Government: National information networks were created between public organizations and non-governmental organizations for exchanging information and policy making in order to bring synergy between different organizations.</p> <p>2006-2009 ARs: According to the Government: A feasibility study on ratification of C.138 is being carried out.</p> <p>2003 AR: According to the Government: the Government records Information on sanctions applied to users of child labour.</p> <p>2000 AR: According to the Government: A study on the supply and demand side of child labour was carried out in order to address the issue of child labour.</p>

	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2012 AR: According to the Government: The last statistics on monitoring the implementation of child labour regulations are as follows. Out of 38630 inspections that were conducted in 2009 in connection with child labour, two employers were found guilty by courts.</p> <p>2009-2010 ARs: According to the Government: The number of the labour inspectors has been almost doubled to ensure, <i>inter alia</i>, a strict monitoring on child labour. Sanctions are provided for in case of violation of the PR. This action is to prevent the recruitment of under-aged children in workshops and the informal economy, in particular.</p> <p>2000-2003 ARs: According to the Government: Labour Inspection ensures law enforcement in both formal and informal economy. Penal sanctions ranges from fine to imprisonment (section 176 of the Labour Code) have been implemented to realize the principle and right (PR).</p> <p>2003 AR: According to the Government: To bring about the effective abolition of child labour, the following measures had been implemented: legal reform; inspection/monitoring mechanisms and penal sanctions.</p>
	<p>Involvement of the social partners</p>	<p>2012 AR: According to the ICLS, the Government does not really involve social partners in preparing or implementing labour and social policies.</p> <p>2009-2010 ARs: According to the Government: A comprehensive tripartite survey is being conducted at national level concerning ratification of C.138, with the participation of the social partners.</p>
	<p>Promotional activities</p>	<p>2012 AR: According to the Government: Various seminars were held in 2010-2011 in Teheran and other cities to promote the awareness of people on the eradication of child labour the national level effectively, including the provision of specific training activities to students and trainees.</p> <p>The ICLS indicated its participation in the National Tripartite Labour Conference on Decent Work in Iran in January 2011.</p> <p>The ICEA indicated that particular attention had been given by NGOs to the issue of child labour, in particular through public advocacy and outreach activities.</p> <p>2009 AR: According to the Government: Social protection is provided to poor families and orphans to facilitate their education and prevent child labour.</p> <p>2008 AR: According to ICILC: Discussions were held with employers' associations to emphasize on the fact that children should not work under 15 years and that between 15 and 18 years of age, they are allowed to work as apprentice only.</p> <p>2006 AR: According to the Government: The minimum age for admission to employment or work is being strictly observed, together with compulsory education.</p> <p>2005 AR. According to the Government: the promotion of the PR is carried out through education and professional training with the support of the Employment Service.</p>

	Special initiatives	<p>2011 AR: According to the Government: The changes in law and practice include setting up compulsory education to age 15.</p> <p>2009 AR: According to the Government: The number of the labour inspectors has been almost doubled to ensure, <i>inter alia</i>, a strict monitoring on child labour.</p> <p>2007 AR: According to the Government: Special initiatives are being taken to bridge the gap between the poor and the rich by granting the former group the shares of lucrative state enterprises under the Justice Shares Scheme. To avoid child labour, women, head of the household, are granted special protection and benefit from positive discrimination for access to employment. To curb unemployment and poverty as the main sources of child labour, the Government has embarked a titanic SMEs expansion project to provide 900,000 new productive employment opportunities per year. Vocational education and training has also been redirected to the labour market requirements.</p> <p>2003-2005 ARs: According to the Government: Free Compulsory Education.</p> <p>According to the Government: the Welfare Organization has taken some measures that could benefit child workers. These include access to social protection and provision of support to child workers facing harmful conditions.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to the ICEA: There are no official or publically supported measurements against child labour, nor have any new laws been put in place to improve the situation of child labour in the country. Child labour is not a widespread problem in the country, but there is a concern over the occurrence of child labourers in the streets and the lack of actors taking responsibility for the social damage caused by child labour. The main responsibility lies with the government, and tripartite action should be part of a sustainable strategy to counter child labour. Dealing with the problem of child labour, mainly occurring in the informal economy, is a major challenge for the ICEA, especially in respect of the difficulty and the dangerousness to dealing informal employers. There is a need for the Government to target the informal economy actors that are operating unlawfully, to interrupt their operations and to make it impossible to benefit from employing children under the minimum working age.</p> <p>2009 AR: According to the ICEA: Child labour rate is very low in the country.</p>
		Workers' organizations	<p>2012 AR: According to ICLS: There are number of cases of child labour prevailing mainly among migrant workers from Afghanistan, rural areas and in the informal economy.</p> <p>2009 AR: According to the ICILC: Child labour rate is very low in the country</p>
	According to the Government	<p>2012 AR: The government stated that the main challenges to the realization of this FPRW are as follows: (i) Lack of technical support by the ILO and other related international organizations; (ii) There is an insufficient rate of services offered by welfare and protective institutions to affected people and in connection with the abolition of child labour; and (iii) Data and statistical information on child labour issues are weak and not updated at the national level.</p> <p>2007 AR: According to the Government: Poverty still exists in the country, but the Government is fighting against it through various poverty alleviation programmes including the Justice Shares Scheme and the protection and granting of special advantages to women heads of household (i.e. positive discrimination for access to employment).</p> <p>2005 AR: According to the Government: The main obstacles encountered in Iran in realizing the PR are lack of resources, poverty, unemployment, insecurity in parents' employment, lack of effective monitoring system and legal sanctions, and the fact that work performed in family-owned or-operated enterprises is not subject to the Labour Code.</p>	

TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: In order to accelerate the ratification of the C.138, the Government has taken different measures, such as consulting, amendment of the laws and regulations, capacity-building for labour administration, empowerment of social dialogue, and would request ILO technical assistance in this regard. In line with these measures, ILO's technical support is also requested in training activities, guidelines and sharing of experiences on the abolition of child labour.</p> <p>The ICLS requested ILO technical assistance to strengthen tripartite capacities on the fundamental principles and rights at work, in particular in combating child labour, possibly through an IPEC national programme</p> <p>2009-2011 ARs: The Government requested ILO technical cooperation to facilitate the ratification process of C.138 through awareness raising, data collection and dissemination, policy advice, legal reform, capacity building for labour administration, employers' and workers' institutions and strengthening social dialogue. This assistance should be integrated in the decent work country program that would need ILO technical review and support.</p> <p>According to the ICILC: An ILO survey was needed to assess the situation of the PR in the country.</p> <p>2008 AR: According to the ICILC: ILO technical cooperation may be needed for assessment of child labour in Iran and ratification of C.138.</p> <p>2007 AR: The Government reiterated its request for ILO technical cooperation in the areas of priority mentioned under the 2005 AR.</p> <p>The ICEA and the ICILC requested ILO technical cooperation for training on child labour issues and the promotion of the fundamental principles and rights at work.</p> <p>2005 AR: According to the Government, needs for ILO technical cooperation to facilitate the realization of the PR in Iran exist in the following areas, in order of priority: (1) legal reform; capacity building of responsible government institutions (e.g. labour inspection and administration); training of other officials (e.g. police, judiciary, social workers, teachers); data collection and analysis; strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation; social protection systems; awareness raising, legal literacy and advocacy; sharing of experience across countries/regions; cross-border cooperation mechanisms; inter-institutional coordination; special programme for the elimination of the worst forms of child labour; (2) policy advice.</p>
	Offer	UNICEF and NGOs.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including the Islamic Republic of Iran, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹ : LIBERIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2000, 2002, 2003, 2004 and 2011 Annual Reviews (ARs).
	Involvement of Employers' and Workers' organizations in the reporting process	<p>YES.</p> <p>According to the Government: Involvement of the Cemenco Liberia Cement Corporation (CLCC), the Liberia Chamber of Commerce (LCC), the Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), <i>the Confederation of National Trade Unions of Liberia (ex CONATUL, which no longer exists)</i>, the United Workers Union of Liberia (UWUL); deriving from a merger of CONATUL and Liberia Labour Federation (LLF), the Federation of Road Transport Unions of Liberia (FRTUL), the United Seamen, Ports and General Workers' Union of Liberia and the Liberia Federation of Labour Unions (USPOGUL-LFLU), the Liberia Labour Congress (LLC), the General Agriculture and Allied Unions (GAAWUL), the Firestone Agricultural Workers' of Liberia (FAWUL) and the Press Union of Liberia (PUL) through communication of the baseline reports.</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the creation of an employers' organization in Liberia.</p>
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	<p>2012 AR: Observations by FL.</p> <p>2010 AR: Observations by the LCC.</p> <p>2007 AR: Observations by the LAC.</p> <p>Observations by the RPAL.</p> <p>Observations by the CLCC.</p> <p>Observations by the MB.</p> <p>Observations by FL.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Workers' organizations	<p>2012 AR: Observations by the FAWUL. Observations by the UWUL.</p> <p>2010 AR: Observations by the LLC.</p> <p>2009 AR: Observations by the LLC.</p> <p>2008 AR: Observations by the USPOGUL-LFLU.</p> <p>2007 AR: Observations by the CONATUL and its 19 affiliates. Observations by the FRTUL and its 15 affiliates. Observations by the USPOGUL-LFLU and its 14 affiliates. Observations by the GAAWUL and its 8 affiliates. Observations by the FAWUL. Observations by the PUL.</p> <p>2005-2006 ARs: Observations by the USPOGUL-LFLU.</p>	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Ratification</p>	<p>Ratification status</p>	<p>Liberia ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182) in 2003. However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).</p>
		<p>Ratification intention</p>	<p>YES, since 2005, for C.138.</p> <p>2012 AR: According to the Government: The Government intends to ratify C.138. The process of labour law reform started three years ago and since then, it has been pending before the Senate. The lower House of Representatives has approved it, but the upper House of Senate is still reviewing this ratification. No Act has been registered for the past three years. The FL, the FAWUL and the UWUL expressed their full support toward the ratification of C.138.</p> <p>2010 AR: The Government indicated that it is committed to ratifying C.138. The LCC indicated its full support to the ratification of C.138 by Liberia. It further stated that the ratification process of C.138 was ongoing in Liberia; however, due to lack of enforcement capacity and poverty, ratification of C.138 would take time. The LLC expressed its strong support to the ratification of C.138 by Liberia.</p> <p>2009 AR: The Government expressed its intention to ratify all the ILO fundamental Conventions. It also mentioned that legislative reform was in progress to facilitate the ratification of C.138. The LLC expressed its full support to the ratification of C.138</p> <p>2008 AR: The Government indicated that due to the recent change in Liberian Government, the ratification process had been slowed down. However, it added that C.138 was currently before the Senate (Committee on Labour) for approval. The USPOGUL-LFLU indicated that C.138 was currently before the Senate (Committee on Labour) for approval.</p>

			<p>2007 AR: The Government reiterated that ratification of C.138 was being processed.</p> <p>The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended ratification of C.138 by Liberia.</p> <p>The CLLCC, the MB, the RPAL, the LAC, FL, the USPOGUL-LFLU, the CONATUL, the FRTUL, the USPOGUL-LFLU, the GAAWUL, the FAWUL and the PUL requested the Government to take immediate action to ratify this Convention in cooperation with ILO.</p> <p>2006 AR: According to the Government: C.138 is before the plenary of the Parliament for final approval regarding its ratification.</p> <p>2005 AR: The Government intended to soon ratify C.138.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	2006 AR: The 1986 Constitution, article 6, puts emphasis on mass education and the elimination of illiteracy, including equal access to educational opportunities and facilities.	
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: <p>2007 AR: According to the Government: A national policy for compulsory education is being carried out. This policy promotes education for all based on “each one teach one”.</p> <ul style="list-style-type: none"> • Legislation: <p>2012 AR: The Government indicated that a first public hearing was held in May 2011 on the tripartite drafting for the Decent Work Bill, which also contained provisions on the fundamental principles and rights at work.</p> <p>The FAWUL and UWUL indicated they had advocated for the Child Bill Agreement (CBA) that forbids workers from taking their children to work.</p> <p>The Labour Law, 1974, section 74.</p> <p>2008 AR: According to the Government: a National Tripartite Conference will be organized in October 2007 in order to review labour legislations in Liberia.</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that legal loopholes on the minimum age in Liberia be solved in cooperation with the ILO.</p>	
	Basic legal provisions	(i) The Constitution, article 6; and (ii) the Labour Law, 1974, section 74.	
	Judicial decisions	NIL.	
Exercise of the principle and right	Compulsory education	2006-2007 ARs: According to the Government: it is carrying out a national policy for compulsory education. This policy promotes education for based on “each one teach one”.	

		<p>Minimum age</p>	<p>General minimum age for admission to employment or work: 16 years (with some exceptions).</p> <p>2007 AR: The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended that the minimum age should be reviewed in Liberia to match with the age of children at the end of compulsory schooling.</p> <p>2006 AR: the Labour Law, Subchapter D, section 74, prohibits child labour subject to criminal penalties, and provides for a general minimum age for admission to employment and work of 16 years.</p> <p>2005 AR: General minimum age for admission to employment or work: 16 years (with some exceptions). However, the Government stated that this was not enforced.</p>
		<p>Worst Forms of Child Labour</p>	<p>C.182 is ratified.</p>
		<p>Special attention to particular situations</p>	<p>2012 AR: According to the Government: The Ministry of Labour has set up a Child Labour Commission that eases networking between the Ministry and plantations to help monitor cases of child labour.</p> <p>According to FL: There is a zero child labour tolerance policy in Firestone. Therefore, there are no instances of child labour at Firestone where the average worker is over twenty years of age.</p> <p>According to FAWUL: In early 2000, workers' wage in Firestone plantations were at US\$3.38 and were based on a daily rate of 750 trees/worker/day which might have encouraged workers at the time to take their children in the field to help. However, this wage was still higher than the country minimum wage of \$2 per day. In 2011, Firestone raised the minimum wage to US\$4.42/day. Today, workers in Firestone tap an average of 300-500 trees/day, and there are no instances of child labour in Firestone plantations.</p> <p>2007 AR: According to the CONATUL and the LFLU: Children working alongside with their parents in rubber plantations, and workers in the informal economy.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2008 AR: The Government stated that a national survey on child labour should be launched shortly by the Department of Statistics.</p> <p>2007 AR: According to the CONATUL: A mechanism for data collection on the principle and right (PR) should be established with ILO assistance.</p> <p>2005-2006 ARs: According to the Government: There is a lack of information and data on the PR.</p>
	<p>Monitoring, enforcement and sanctions mechanisms</p>		<p>2012 AR: According to the Government: The Ministry of Labour has set up a Child Labour Commission that eases networking between the Ministry and plantations to help monitor cases of child labour.</p> <p>According to FL: Firestone has instituted in its plantations a monitoring mechanism whereas in-house inspectors will visit plantations and oversee that workers have no children accompanying them, and no one in the plantation is below the age of eighteen years. For the time being no report on child labour cases by inspectors on the plantations.</p> <p>2007 AR: The CONATUL indicated that the need to reactivate the National Commission on Child Labour (NACOMAL) in the near future is paramount.</p>

	<p>Involvement of the social partners</p>	<p>2012 AR: According to the Government, FAWUL and UWUL: The Decent Work Bill resulted from a tripartite drafting to review labour laws.</p> <p>2007 AR: According to the Government: The case study and the workshop on the Humanization of Liberia Labour Force have been carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended the creation of an employers' organization in Liberia, the reactivation of various tripartite committees and the establishment of a Commission on Discrimination at the Workplace.</p> <p>The USPOGUL-LFLU indicated that the Government had consulted the social partners before the amendment of the Labour Law.</p> <p>2005 AR: According to the Government: A national tripartite conference was held in 2003, and a resolution calling for the establishment of a National Commission on Child Labour was adopted.</p>
	<p>Promotional activities</p>	<p>2012 AR: The Government indicated that a monitoring mechanism had been set up by the Ministry of Labour to monitor plantations and not allow children to work.</p> <p>FAWUL and UWUL indicated there were planning a massive campaign countrywide to eradicate child labour in Liberia.</p> <p>2010 AR: The Government indicated that workshops were organized to sensitize Members of the Parliament and the House of Senate to the necessity of ratifying C.138.</p> <p>According to the LLC: A Child Labour Commission (CLC) has been set up on a tripartite basis to speed up the process of ratification of C.138 and facilitate the realisation of the PR in Liberia.</p> <p>2009 AR: The Government indicated that it had organized awareness-raising forums with tripartite participants and representatives of the civil society.</p> <p>The LLC indicated that it had convened a tripartite committee meeting on labour laws concerning child labour.</p> <p>2008 AR: The Government indicated that a tripartite national conference on labour law review will be organized in October 2007 and will engage the participation of the civil society. Moreover, a tripartite project is being currently discussed in collaboration with UNICEF and the International Rescue Committee (IRC). The Government added that 10 awareness workshops on child labour will soon be organized thanks to the financial support of the Government of Netherlands. Finally, it indicated that a national survey on child labour in Liberia will be launched in order to better assess the particular issue in Liberia and also strengthen the Department of Statistics.</p> <p>The UPSOGUL-LFLU indicated that it would be interested in participating to the national conference that will be held in October 2007.</p> <p>2007 AR: According to the Government: A case study and a workshop on the Humanization of Liberia Labour Force have been carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. The workshop adopted a tripartite resolution on this issue, including recommendations against child labour in Liberia.</p> <p>The USPOGUL-LFLU stated that it had provided special assistance to labour unions to print promotional materials and encourage awareness raising programmes on the PR.</p> <p>The CONATUL stated that it had supported the job creation policy of the Government to absorb the ex-child combatants.</p> <p>2005 AR: According to the Government: The NACOMAL was created in 2003 and has since expanded to include both tripartite partners and child advocacy groups.</p>

	<p>Special initiatives/Progress</p>	<p>2012 AR: According to FL: For over five years, children street vendors have been banned during school hours.: Firestone have set up transportation services to carry workers ‘children to junior high schools with three different routing to access schools easier to ensure that none of them will be present in the fields. Elementary schools are easily accessible because in much larger numbers.</p> <p>FAWUL indicated it received a special award from the USA Embassy in Monrovia for completely stopping child labour in Firestone plantations.</p> <p>UWUL indicated they have a special fundraising programme. Funds collected help families get additional income and keep their children of the workplace.</p> <p>2007 AR: According to the Government: The national policy for compulsory education for all based on “each one teach one” can be considered as a special initiative for the realization of the PR in Liberia. Moreover, a tripartite identification of realities and challenges faced in realizing the PR in the country has been carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. This exercise concluded on a tripartite resolution on the Humanization of Liberia Labour Force that includes a request for technical cooperation for the better realization of the PR in the country.</p> <p>According to FL: Following the prohibition of the presence of children accompanying their parents in rubber plantations and the building of schools in the plantation areas by the Firestone Company, school attendance in these areas raised by 300 per cent between 2005 and 2006.</p> <p>2006 AR: According to the Government: The NACOMAL was launched in May 2004 and includes employers’ and workers’ representatives and representatives of child advocacy groups. It monitors cases of child abuse (subject to criminal penalty) and takes corrective measures in accordance with national laws.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers’ organizations</p>	<p>2012 AR: According to FL: Poverty is a big challenge. The general public does not have a clear definition of what is child labour and what is not child labour.</p> <p>2010 AR: The LCC raised the following challenges for Liberia to realize the PR: (i) socio-economic conditions; (ii) difficulties of implementation and enforcement capacity of the labour laws; (iii) illiteracy and lack of educational facilities. In addition to free education, the LCC believed that a stipend should be given to the parents to buy books, school uniforms and food; so that the children could study without bothering about the financial problems that schooling can create to the family.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country has been carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Employers made a significant contribution in this exercise.</p> <p>According to the LAC: The effective abolition of child labour in Liberia is not possible in the foreseeable future because of poverty. Moreover, there are no monitoring and repressive mechanisms to realize the PR in Liberia.</p>

		<p>Workers' organizations</p>	<p>2012 AR: According to FAWUL and UWUL: Unemployment, lack of adequate resources for family, socio-economic factors are challenges for the realization of the fundamental principles ad rights at work.</p> <p>2010 AR: According to the LLC: The LLC raised the following challenges: (i) the need for material support to the CLC; (ii) the socio-economic situation of the country; (iii) the existence of an informal economy; and (iv) the lack of policy and law enforcement by the Government.</p> <p>2009 AR: According to the LLC: Time is needed for the development of an implementation plan to realize the PR.</p> <p>2008 AR: According to the USPOGUL-LFLU: there are important challenges namely: (i) logistical problems; (ii) capacity building; (iii) leadership lacks among the workers' and employers' associations; (iv) the problem of unionizing affecting thus the right to collective bargaining; and (v) a lack of education and training among the social partners.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country has been carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. Workers' organizations made a significant contribution in this exercise.</p> <p>According to the CONATUL: (i) Political instability contributed to the inability of the Government to improve the realization of the PR in the country; (ii) no dissuasive legal procedures exist against violations of national laws; and (iii) there is a lack of education on the PR among the social partners.</p> <p>According to the USPOGUL-LFLU: No efforts are made by the Government to collect information or data on the PR.</p> <p>2005 AR: According to the USPOGUL-LFLU: Ex-child combatants need to be reintegrated.</p>
	<p>According to the Government</p>		<p>2012 AR: According to the Government: Enforcement of labour laws is difficult because of: (i) high unemployment rate (ii) lack of resources to provide jobs; (iii) lack of logistics for inspectors to monitor plantations (computers, vehicle, etc.); and (iv) lack of education and training among workers.</p> <p>2010 AR: According to the Government: The main obstacle that had been encountered in Liberia in realizing the PR are as follows: (i) lack of social dialogue; (ii) lack of sensitization of the Members of Parliament and the House of Senate on the PR; (iii) difficulties to implement the PR; and (iv) the informal economy. The Government further indicated that collective endeavour is needed to realize and implement the PR.</p> <p>2009 AR: According to the Government: There is a lack of capacity of the employers' and workers' organizations regarding national laws on the PR.</p> <p>2008 AR: According to the Government: Enactment and enforcement of labour legislations are yet to be realized. The issue of accountability is also important as the unions are usually owned by individuals without any form of membership system. The Government indicated some of the challenges put forth by the USPOGUL-LFLU that are: (i) logistical problems; (ii) capacity building; and (iii) a lack of education and training among the social partners.</p> <p>2007 AR: A tripartite identification of realities and challenges faced in realizing the PR in the country has been carried out through a case study and a workshop on the Humanization of Liberia Labour Force, in cooperation with the ILO. The Ministry of Labour and other technical ministries made a significant contribution in this exercise.</p>

<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2012 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Liberia in particular in the following areas: (i) Training of labour inspectors and social partners (ii) strengthening Government capacity with logistics; (iii) awareness-raising campaign.</p> <p>According to FL: Informal economy actors should be sensitized on issues of child labour and labour inspectors should be supported by the ILO.</p> <p>According to FAWUL and UWUL: There is a need for ILO technical cooperation for training and workshops that include workers at all levels.</p> <p>2010 AR: According to the Government: There is a need for ILO assistance to organize sensitization campaigns for the population and for Government's institutions.</p> <p>According to the LCC: There is a need for ILO assistance to organize awareness raising campaigns to inform employers of the lack of productivity of CL. In addition, ILO with other stakeholders must help the Government to implement free education to the children of Liberia.</p> <p>According to the LLC: There is a need for ILO technical cooperation to facilitate the realization of the PR in Liberia in particular in the following areas: (i) capacity building of the CLC and Government institutions; (ii) strengthening capacity of employers' and workers' organizations; (iii) awareness-raising campaign.</p> <p>2009 AR: The Government requested ILO's technical cooperation to strengthen the capacity of government and employers' and workers' institutions on the PR and to support the ratification process of C.138.</p> <p>The LLC requested ILO's support in the labour law revision process concerning the PR.</p> <p>2008 AR: The Government and the USPOGUL-LFLU reiterated the same requests indicated in the 2007 AR.</p> <p>The Government also wishes one of its officials to participate in an ILO/TURIN course on participatory labour law-making.</p> <p>The USPOGUL-LFLU added that social dialogue should be strengthening with the Ministry of Labour and that the assistance was required with regard to the merging of the workers' organizations into a single trade union.</p> <p>2007 AR: According to the Government: Following a case study and a workshop on the Humanization of Liberia Labour Force, carried out in September and October 2006 in cooperation with the ILO, a tripartite resolution on this issue was adopted, including recommendations for technical cooperation on the PR. The Government, the employers and trade unions called for a special ILO/IPEC action to help implement this resolution and realize the fundamental principles and rights at work in Liberia.</p> <p>In particular, the Liberian Agricultural Company observed that the ILO should provide assistance to the Government in establishing a Commission at the Ministry of Labour for the purpose monitoring and reporting cases of child labour in the Liberia.</p> <p>The CONATUL and the CLCC indicated that more training and educational programmes for social partners are required to disseminate information on the PR. The CONATUL also requested for technical assistance in building the capacity of unions' leaders and members.</p> <p>The USPOGUL-LFLU indicated that there is an urgent need for special assistance to workers' organizations to train their members and sensitize the public, and on the reintegration of the ex-child combatants into the community.</p>
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		<p>2006 AR: The Government reiterated its request for ILO technical cooperation and financial assistance for the operation of the National Commission on Child Labour (NACOMAL) that was launched in May 2004 and included employers' and workers' representatives and representatives of child advocacy groups. Furthermore, the Government welcomed ILO technical cooperation to organize a national tripartite seminar so as to assess priority needs related to the Declaration's principles and rights and focus on implementation.</p> <p>The Government supported the USPOGUL-LFLU's request for technical cooperation.</p> <p>According to the USPOGUL-LFLU: it wishes to be involved in the implementation of national programmes for the reintegration of child combatants. It also renews its request for technical and financial assistance to realize the PR among workers.</p> <p>2005 AR: The Government requested ILO technical cooperation and financial assistance for the operation of the National Commission on Child Labour. Furthermore, the Government welcomed ILO technical cooperation to organize a national tripartite seminar, so as to assess priority needs related to the Declaration's principles and rights and focus on implementation.</p> <p>According to the USPOGUL-LFLU: There is a need for special assistance to workers' organizations to sensitize the public and train its members on the reintegration of the ex-child combatants back into the community.</p>
	Offer	ILO, UNICEF, UNMIL, UNDP, UNDAF, USDOL, European Union, NGOs.
EXPERT-ADVISERS' RECOMMENDATIONS/OBSERVATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Liberia, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p>	
GOVERNING BODY RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2012)¹: MALDIVES

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2011 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the employers' organizations (the Maldives National Chamber of Commerce and Industry (MNCCI), the Maldivian Association of Construction Industry (MATI), the Restaurant Association and Liveaboard) and workers' organizations (the Maldives Labour Union (MLU), Dhivehi Seafarers and Labour Union (DSLUI), the Maldives Civil Servants Association (MCSA), Tourism Employees' Association of Maldives (TEAM), Teachers' Association (TA), the Maldives Journalists' Association (MJA), the Maldives Medical Association (MMA), the Maldives Nurses' Association (MNA), the Maldives Airports Employees' Union (MAEU), the Maldives Fishermen's Union (MFU) and the Maldives Association of Travel Agents and Tours Operators (MATATO)) by means of consultation and communication of a copy of the Government's report. However, the involvement of the employers' and workers' organizations in the reporting process was very poor.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the MATATO.	
	Workers' organizations	2012 AR: Observations by the DSLU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Maldives has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has ratified the United Nations Convention on the Right of the Child (CRC) on 29 December 2004.
		Ratification intention	YES, for C.138 and C.182. 2012 AR: According to the Government: Ratification of the eight core conventions has been submitted to the Parliament and will be done in September 2011. In 2010, the political instability had made the ratification process difficult. The MATATO and the DSLU stated their support to and involvement in the ratification process of the eight core Conventions. 2011 AR: The Government indicated that the eight Core Conventions of the ILO would be submitted to the Cabinet and the Parliament for ratification by September 2010.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. According to the Government: article 35 of the Constitution prohibits “economic exploitation” of any child, and Employment Act prohibits any work that may have a detrimental effect on the health, education, safety or conduct of a minor. Moreover, primary and secondary education are compulsory under the Constitution.
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> Policy: 2011 AR: According to the Government: There is no national policy/plan aimed at ensuring the effective abolition of child labour in Maldives. However, according to the Government, it intends to adopt a national policy/plan by 2011. Legislation: The Employment Act Chap 3. <p>2011 AR: The Government indicated that the general minimum age is 16 years (Employment Act, chapter 3) while a general definition of a child is any person up to 18 years according to the Law on the Protection of the Rights of the Child. No child can do any kind of work interfering with education. According to the Employment Act, work can be undertaken when this is part of an education programme and it allows family work. However, a minor can be employed only with written approval of the minor’s legal guardian and the employer is required to maintain a register of the minor(s). Work for children is also prohibited after 11 pm.</p>
		Basic legal provisions	Employment Act, chapter 3, 7.a).
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES. 2011 AR: According to the Government, primary and secondary education is compulsory. Although it does not specify the number of years or the grades that it is compulsory, primary and secondary education take usually 10 years. The age of the child at the end of compulsory school is usually 16 years.
		Minimum age	<ul style="list-style-type: none"> General Minimum Age: 16 years for admission to employment or work. However, it does not cover work performed in a family-owned or co-operated enterprise, nor family and small-scale agriculture: <p>2011 AR: According to the Government: The general minimum age for admission to employment or work covers: (i) work performed in enterprises below a certain size; (ii) home work; (iii) self-employed work; (iii) commercial agriculture; (iv) light work; and (v) work performed in export-processing zones (EPZs).</p> <p>Hazardous Work: 18 years for engaging in hazardous work</p> <p>2011 AR: According to the Government: Hazardous work is defined in national laws, and the minimum age to engage in hazardous work is 18 years.</p>

		Worst forms of child labour	2011 AR: According to the Government: There are national laws and regulations with the aim of eliminating the worst forms of child labour. As concerns the types of worst forms of child labour, pornography is believed or suspected to exist among girls, while prostitution, illicit activities, in particular production and trafficking of drugs, is believed or suspected to exist among both boys and girls. However, sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict do not exist in Maldives.
		Special attention to particular situations	NIL.
		Information/Data collection and dissemination	2011 AR: According to the Government: no specific official information/survey is recorded on child labour. However, the last population census was carried out in 2006, and the lowest age of persons for whom questions were asked about economic activity was 15 years.
	Monitoring, enforcement and sanctions mechanisms	2011 AR: According to the Government: the following measures are implemented to enforce the minimum age for admission to employment and to eliminate the worst forms of child labour: (i) Work or employment that may have a detrimental effect on health, education, safety or conduct; (ii) inspection/monitoring mechanisms; (iii) penal sanctions; (iv) civil or administrative sanctions; (v) free compulsory education; (vi) social assistance (stipends, subsidies, vouchers); (vii) awareness raising/advocacy; and (viii) special institutional machinery. In particular, specific measures to enforce minimum age for employment and eliminate the worst forms of child labour are envisaged in the following areas: Legal reform, vocational and skills training for young workers and international cooperation programmes. Also, to bring about CL, penal, civil or administrative sanctions, special institutional machinery, free compulsory education, social assistance and awareness/advocacy raising have been implemented in Maldives.	
	Involvement of the social partners	2012 AR: According to the Government, the MATATO and the DSLU: A Tripartite consultation has been organized in relation to the ratification of the eight core Conventions. 2011 AR: According to the Government, the employers' and workers' organizations are being involved in the ratification process of the ILO fundamental Conventions. Moreover, the Ministry of Human Resources, Youth and Sports held a meeting, inviting all the employers and employees associations and relevant government authorities, to introduce the reports and also to discuss and come to a decision about how to complete the report. After the meeting, the reports were emailed to associations and relevant government authorities who were requested to fill the relevant parts.	
	Promotional activities	2011 AR: According to the Government: The Ministry of Human Resources, Youth and Sports held a meeting, inviting all the employers and employees associations and relevant government authorities, to introduce the reports and also to discuss and come to a decision about how to complete the report.	
	Special initiatives/Progress	2011 AR: According to the Government: In order to submit the eight ILO core Conventions to the Cabinet and the Parliament by September 2010., the Ministry of Human Resources, Youth and Sports is in the process of translating the conventions into the local language Dhivehi. Moreover measures are envisaged to promote and realize the PR.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	NIL.

	According to the Government	<p>2012 AR: The Government indicated that the 2010 political instability had made the ratification of the eight core Conventions impossible.</p> <p>2011 AR: According to the Government: The main challenge facing the ratification of C.138 and C.182 is that no comprehensive study or survey has been done on the subject and there are some cases of child prostitution and involvement in drug and crime activities. In the past, parents from the Atolls (rural) sent their children to urban areas where some of them had to engage in domestic work in return for education. However, the issue has diminished to a great extent with education being made more accessible in the Atolls. The Government indicated that no steps were being taken to modify existing legislation or introduce new legislation to address the elimination of any of the worst forms of child labour.</p>
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: ILO's support is needed hopefully by August 2011 for tripartite and parliamentary awareness raising as regards reporting procedures and the implementation of the eight core Conventions.</p> <p>2011 AR: According to the Government: ILO technical cooperation is needed to promote and realize the PR in the country, particularly in the following areas: (i) establishing a Labour Market Information System (LMIS) for data collection and analysis; (ii) capacity building of responsible government institutions; (iii) Training of other officials (police, judiciary, social workers, teachers); and (iv) policy advice.</p>
	Offer	ILO.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2009-2012)¹: MARSHALL ISLANDS

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , for the first time under the 2012 Annual Review (AR), but not under the previous reviews (i.e. ARs 2009-11). Marshall Islands Joined the ILO in 2007.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Marshall Chamber of Commerce (MICC)) and workers' organizations (Marshall Islands Teachers' Union (MITU)) by means of consultation and communication of a copy of the government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by MICC.	
	Workers' organizations	2012 AR: Observations by MITU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Marshall Islands has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has ratified the United Nations Convention on the Right on the Child (CRC) in 1998.
		Ratification intention	YES, for both C.138 and C.182. 2012 AR: The Government mentioned its intention to ratify C.138 and C.182, and make relevant legal reform, in consultation with national stakeholders, and with ILO technical support. In this regard, tripartite capacities on ILO issues should be strengthened, including on fundamental principles and rights at work and international labour standards. According to MICC: It is critical to have C.138 and C.182 ratified by the Republic of the Marshall Islands (RMI) and enjoy ILO's support in combating poverty and promoting education for all, rather than having child labour in the country. Furthermore, these instruments need to be ratified, as "RMI needs to have a good business community in a good playing field". According to MITU: As a matter of human rights and the right to education guaranteed by the Bill of Rights in RMI Constitution, the MITU supports the ratification of all ILO fundamental Conventions by RMI, including C.138 and C.182.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the Constitution of the Republic of the Marshall Islands, 1979, article II (Bill of Rights), section 15, provides for the recognition of the right of the people to education, among others. It further mentions in article V, section 1(3) (h) that the Cabinet shall be responsible for establishing and maintaining such public schools and for making such other provision as may be reasonable and necessary to provide educational opportunities for the people of the Republic.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: According to the Rules and Regulations of the Ministry of Education (Revised 2008), chapter 8, section 15, on General Policy, the goal of the educational system shall be to provide to all children in the Republic, regardless of socio-economic status, handicap, or geographical location, the educational opportunity that will prepare them to develop into self-reliance individuals and to function socially, politically and economically in the society. This general policy prescribes, under chapter 10, section 14-10-2, that attendance to at public or non-public elementary school shall be compulsory for all school age children between the ages of four and fourteen. section 14-10-4 (e) of the same chapter provides that “Parents, or guardians, or other persons responsible for a student’s non-attendance at a school may be referred to a court of competent jurisdiction for enforcement of mandatory school attendance”. • Legislation: <ul style="list-style-type: none"> (i) The Education Act 1991, section 55; (ii) The Minimum Conditions Inquiry Act, 1987; (iii) The Child Neglect and Abuse Act, 1991/130. • Regulations: <ul style="list-style-type: none"> (i) Rules and Regulations of the Ministry of Education (Revised 2008).
		Basic legal provisions	The Constitution, 1979, article II, section 12; (ii) The Education Act, chapter 8, section 15 and chapter 10, sections 14-10-2 and 14-10-4 (e); (iii) The Minimum Conditions Inquiry Act 1987; and (iv) The Child Abuse and Neglect Act, 1991/130.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES , free and compulsory education up to from ages 4 to 14.
		Minimum age	NIL. Marshall Islands labour laws do not regulate the employment of children. However, under Government’s second report to the Committee on the Right of the Child, the Minimum Conditions Inquiry Act, also known as the Child Labour Law, has been amended to prohibit employment of a person under the age of eighteen.
		Worst forms of child labour	NIL. However, according to Government second report under the Convention on the Right of the Child, employment of a person under the age of 18 is prohibited.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Special attention to particular situations	According to the Government: Children in special needs (disabled children and children in vulnerable groups). According to MITU: There is a programme for special education targeting vulnerable groups of children (i.e., the special needs or impaired children).
		Information/ Data collection and dissemination	NIL.

	Monitoring, enforcement and sanctions mechanisms	2008 AR: According to the Government: (i) The Labor Division; (ii) the Ministry of Education; and (iii) the courts. In particular, under the Rules and Regulations of the Ministry of Education (Revised 2008), chapter 10, section 14-10-4 (e) “Parents, or guardians, or other persons responsible for a student’s non-attendance at a school may be referred to a court of competent jurisdiction for enforcement of mandatory school attendance”. The Education Act and regulations provided for sanctions against parents who do not ensure that their children go to school.	
	Involvement of the social partners	2012 AR: According to the Government: The MICC and the MITU have been involved in the adoption process of Marshall Islands Decent Work Country Programme (yet to be finalized), which includes issues concerning the promotion and realization of the fundamental principles and rights at work.	
	Promotional activities	2012 AR: According to the Government: The Government, the MICC and the MITU participated in the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010 where the fundamental principles and rights have been promoted addressed. Moreover, the officers of the Labor Division of the Ministry of Foreign Affairs were sensitized on the fundamental principles and rights at work during ILO’s assistance in reporting issues carried out in October 2011. The MICC and the MITU confirmed their participation in such activities and indicated that they had been sensitized on the same issues during the October 2011 ILO Mission. However, they requested more capacity building on child labour issues.	
	Special initiatives/Progress	2012 AR: According to the Government: the Minimum Conditions Inquiry Act, also known as the Child Labour Law, has been amended to prohibit employment of a person under the age of eighteen. This law was passed because of the Government’s concern over the visible use of child labour, especially in family-run businesses in urban centers. According to the MITU: Under the Child Protection Baseline Research (CPBR), the MITU participated in 2011 in the collection of baseline research on issues of child protection, which included child abuse, neglect and exploitation. This project was carried out in collaboration with the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the National Training Council, the Pacific Resources in Education and Learning (PREL), a teacher and UNICEF. The results of this survey will be published soon and allow the establishment of national strategy to better ensure child protection in the country.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	2012 AR: According to the MICC: RMI is a developing country where poverty issues as well as traditional and cultural barriers on child labour need to be overcome.
		Workers’ organizations	2012 AR: According to the MITU: (i) There is a discrepancy between ages of compulsory schooling under the Education Act 1991 (ages 4 to 18) and the Rules and Regulations of the Ministry of Education (Revised 2008) (ages 4 to 14). In practice, children cannot enter school before the age of 5 as there are no government funds to allow the children aged 4 to attend “head start”. Therefore, MITU suggests that the ages of compulsory schooling be defined from 5 to 18 to stick with realities and the age for admission to employment (18), although this age has not yet been legally defined; (ii) The Education Act and its regulations are not enforced given that the Board of Education has been approved but it has never been convened the Secretary of Education; (iii) The Programme for Special Education does not reach all impaired children; (iv) Poverty issues are not addressed; and (v) As concerns the worst forms of child labour, some children have been victimised by few teachers or administrators. The Child Abuse and Neglect Act, 1991/130 should be revised to cover forced child labour.

	According to the Government	<p>2012 AR: According to the Government: Child labour is not an issue in Marshall Islands. Schooling is free and compulsory up to the age of 18. Some children may help their parents in retail outlet from time to time, but except from rare cases, this does not prevent them from attending school and performing homework. Moreover, legal sanctions exist for parents or guardians whose children do not attend school. Other than children assisting parents in the operation of retail outlets, there have been no obvious infractions of the Minimum Conditions Inquiry Act. However, the four major obstacles concerning the effective abolition of child labour in Marshall Islands are linked to: (i) poverty; (ii) the absence of legal provisions; (iii) the lack of tripartite capacity on this issue; and (iv) the lack of public awareness-raising on this issue.</p> <p>In response to the MICC's and MITU's comments, the Government stressed the need to review and harmonize legal provisions on minimum age and legal provisions for admission to employment or work in consultation with national stakeholders, and with ILO technical support.</p>
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of this PR in Marshall Islands, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; legal reform (labour law and other relevant legislation); (2) strengthening data collection and capacity for statistical analysis; and (3) sharing of experiences (best-practices) across countries/regions; training of other officials (e.g. police, judiciary, social workers, teachers).</p> <p>The Government, the MICC and the MITU would appreciate that income generation programmes for poor parents in Marshall Islands be supported by the ILO, under the Decent Work Country Programme or the ILO International Programme for the Elimination of Child Labour (IPEC). The MICC and MITU supported the government's request for ILO technical cooperation, and in particular the strengthening of their capacity building on the fundamental principles and rights at work. The MICC further requested a permanent ILO presence in RMI. The MITU stressed the need for a holistic approach on the fundamental principles and rights at work and labour law reform.</p>
	Offer	ILO (Decent Work Country Programme in elaboration phase, assistance in reporting under the AR), UNICEF (Child Protection Baseline Research).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .	



REFERENCIA POR PAIS DENTRO DEL MARCO DEL EXAMEN ANUAL DE LA DECLARACION DE LA OIT (2000-2012) ¹: MÉXICO

LA ABOLICIÓN EFECTIVA DEL TRABAJO INFANTIL (TI)

MEMORIAS	Cumplimiento de las obligaciones gubernamentales	SI, desde el principio del Examen Anual (EA) en 2000.
	Cometido de las organizaciones de Empleadores y Trabajadores en la presentación de memorias	SI, el Gobierno señala que se han transmitido copias de memorias gubernamentales a las organizaciones de Empleadores (Confederación de Cámaras Industriales de los Estados Unidos Mexicanos (CONCAMIN) y a la Confederación Patronal de la República Mexicana (COPARMEX) [a partir del año 2001] así como de Trabajadores (Confederación de Trabajadores de México (CTM)), la Confederación Auténtica de Trabajadores de la República Mexicana (CAT)).
OBSERVACIONES DE LOS INTERLOCUTORES SOCIALES	Organizaciones de Empleadores	EA 2012: Observaciones de la CONCAMIN y de la COPARMEX. EA 2007: Observaciones de la COPARMEX y de la CONCAMIN. EA 2001: Observaciones de la COPARMEX. EA 2000: Observaciones de la CONCAMIN.
	Organizaciones de Trabajadores	EA 2012: Observaciones de la CTM. Observaciones de la CAT. EA 2011: Observaciones de la CTM. EA 2010: Observaciones de la CROC. EA 2008: Observaciones de la CTM. EA 2007: Observaciones de la CTM. EA 2002: Observaciones de la CTM. EA 2000: Observaciones de la CTM.

¹ Las referencias por países dentro del Examen anual de la Declaración de la OIT están basadas sobre los elementos siguientes en la medida en que estén disponibles: memorias de Gobierno, observaciones de Organizaciones de Empleadores y Trabajadores, estudios específicos con profundidad preparados bajo el auspicio del país y de la OIT, y observaciones/recomendaciones de los Expertos Consejeros en la Declaración de la OIT y el del Consejo de Administración. Para obtener más información de este principio y derecho en un país determinado, en relación con un convenio ratificado, se ruega ver: www.ilo.org/ilolex.

ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO	Ratificación	Estado de ratificaciones	México ratificó en 2000 el Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182) (C.182). Sin embargo, no ha ratificado el Convenio sobre la Edad Mínima (núm. 138) (C.138).
		Intención de ratificación	Según el Gobierno, hay actualmente una imposibilidad jurídica nacional de ratificar el C.138. EA 2012: El Gobierno indicó que las perspectivas para la C.138 están sin cambios. Según La CONCAMIN: El C.138 sobre edad mínima no ha sido ratificado y encuentra limitaciones por reforma constitucional. La CTM y la CAT indicaron sus posiciones en favor de la ratificación de la C.138. EA 2010: Según el Gobierno: Persiste la determinación del Senado de la República que el artículo 2 del C.138 es incompatible con la legislación nacional. Según la COPARMEX: Es difícil apoyar la ratificación del C.138 porque no hay ningún beneficio mientras que la ley no cambie. En efecto, esta prohibido en México que las empresas contraten a menores de edad. La CROC indicó que estaba a favor de la ratificación del C.138 por México. EA 2008: Según la CTM: Actualmente existe un trabajo sobre la ratificación del C.138.
	Reconocimiento del principio y derecho (perspectiva(s), medios de acción, disposiciones jurídicas básicas)	Constitución	SI. La Constitución Política de los Estados Unidos Mexicanos de 1917 (Artículo 123) establece la utilización del trabajo de los menores de 14 años, prohíbe las labores insalubres o peligrosas, el trabajo nocturno industrial y cualquier otro después de las 10 de la noche, de los menores de 16 años, y garantiza también la preservación de la salud, seguridad y moralidad de los niños.
		Legislación, reglamentación y/o política	<ul style="list-style-type: none"> • Política: EA 2008: Según el Gobierno: El Plan Nacional de Desarrollo 2007-2012 El Plan Nacional de Desarrollo 2007-2012, que tiene como finalidad establecer los objetivos nacionales, las estrategias y prioridades que durante la presente Administración deberán regir la acción del gobierno, señala que la finalidad de la política social de esta Administración es lograr el desarrollo humano y el bienestar de los mexicanos a través de la igualdad de oportunidades. Bajo esta perspectiva, se dará especial atención a los grupos vulnerables o con necesidades especiales, es por ello que dentro del componente Grupos Prioritarios, apartado 3.4 Pueblos y Comunidades Indígenas se establece que un problema fundamental que requiere especial atención es el trabajo infantil, ya que las actividades que desempeñan niños y jóvenes indígenas como jornaleros o vendedores ambulantes, entre otros, atentan contra sus derechos.

			<p>EAs 2002-2006: Según el Gobierno: El Plan Nacional de Desarrollo 2001-2006 establece la necesidad de proteger y promover el desarrollo pleno de niños y adolescentes, y crear las condiciones que permitan a los niños desarrollarse en un ambiente emocional y físicamente seguro, garantizándoles bienestar, educación, salud y equidad. En el marco de este Plan se estableció el Consejo Nacional para la Infancia y la Adolescencia el 25 de julio de 2001, con el fin de promover el apoyo al desarrollo de infantes y adolescentes. Este Consejo se encarga de diseñar las políticas públicas a favor de la infancia, adecuando el ordenamiento legal y administrativo a la Convención de los Derechos de la Niñez y a la ley de protección de los derechos de las niñas, niños y adolescentes. Además el Programa de Acción 2002-2010 refleja una política de Estado para dar respuesta de forma integral a las demandas y necesidades de las niñas, niños y adolescentes sobre diversas vertientes de acción como son las condiciones sociales, vivienda, familia, salud, educación y marco jurídico.</p> <ul style="list-style-type: none"> • Legislación: <p>EA 2012: Según el Gobierno: El 10 de Marzo de 2011, fue presentada ante el Congreso de la Unión una nueva iniciativa de reformas a la ley federal del Trabajo. Esta iniciativa propone modificar el artículo 22 de la ley para precisar la prohibición a los mayores de 14 años y menores de 16 cuando no hayan terminado su educación básica obligatoria.</p> <p>Según la CONCAMIN: Se han venido dando acciones de carácter legal a fin de sancionar con mayores penas para quienes, en especial llevan al cabo acciones de explotación infantil.</p> <p>EA 2011: Según el Gobierno: Las disposiciones contenidas en la Constitución Política de los Estados Unidos Mexicanos y en la Ley Federal del Trabajo, no se ha modificado en esta materia. No obstante lo anterior, el 18 de marzo de 2010, se presentó para su examen ante la Cámara de Diputados, una iniciativa de reforma a la Ley Federal del Trabajo, que entre otros, prevé los siguientes aspectos: Artículo 22. Queda prohibida la utilización del trabajo de los menores de catorce años y de los mayores de esa edad y menores de dieciséis que no hayan terminado su educación básica obligatoria, salvo los casos de excepción que apruebe la autoridad correspondiente en que a su juicio haya compatibilidad entre los estudios y el trabajo. Artículo 22 Bis. Cuando la Inspección del Trabajo detecte trabajando a un menor de 14 años fuera del círculo familiar, ordenará que de inmediato cese en sus labores. Al patrón que incurra en esta conducta se le sancionará con la pena establecida en el artículo 995 Bis de esta Ley. En caso de que el menor no estuviere devengando el salario que perciba un trabajador que preste los mismos servicios, el patrón deberá resarcirle las diferencias. Artículo 175. Queda prohibida la utilización del trabajo de los menores: I. De dieciséis años, en: <i>a)</i> Trabajos ambulantes, salvo autorización especial de la Inspección del Trabajo; <i>b)</i> Trabajos subterráneos o submarinos; <i>c)</i> Labores peligrosas o insalubres; <i>d)</i> Trabajos superiores a sus fuerzas y los que puedan impedir o retardar su desarrollo físico normal; <i>e)</i> Establecimientos no industriales después de las diez de la noche; <i>f)</i> Los demás que determinen las leyes. En caso de contingencia sanitaria y siempre que así lo determine la autoridad competente, no podrá utilizarse el trabajo de menores de dieciséis años. Los trabajadores que se encuentren en este supuesto, no sufrirán perjuicio en su salario, prestaciones y derechos. Cuando con motivo de la contingencia sanitaria se ordene la suspensión general de labores, a los menores de dieciséis años les será aplicable lo dispuesto por el artículo 429, fracción IV de esta Ley. De dieciocho años, en: <i>a)</i> Trabajos nocturnos industriales; <i>b)</i> Expendios de bebidas embriagantes de consumo inmediato, cantinas o tabernas y centros de vicio; y <i>c)</i> Trabajos susceptibles de afectar su moralidad o buenas costumbres.</p>
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			<p>EA 2009. Según el Gobierno: Al respecto, se informa que la Constitución Política de los Estados Unidos Mexicanos no ha sido modificada en su artículo 123, Apartado «A», fracción III, que prohíbe la utilización del trabajo de los menores de catorce años, y dispone que los mayores de esta edad y menores de dieciséis tendrán como jornada máxima la de seis horas. Supuestos que se contemplan en el Título Quinto Bis de la Ley Federal del Trabajo, denominado «Trabajo de los Menores», los cuales se contraponen con lo dispuesto en el párrafo 3 del artículo 2 del Convenio núm. 138 de la OIT sobre la edad mínima, que establece «La edad mínima fijada en cumplimiento de lo dispuesto en el párrafo 1 del presente artículo no deberá ser inferior a la edad en que cesa la obligación escolar, o en todo caso, a quince años.» Lo cual en su momento, ha sido debidamente informado a la OIT.</p> <p>Ley para la Protección de los Derechos de Niñas, Niños y Adolescentes, 2000: El objetivo de esta ley es garantizar a niñas, niños y adolescentes, la tutela y el respeto de los derechos fundamentales reconocidos en la Constitución. En su artículo 3 se establece que la protección de los derechos de niñas, niños y adolescentes tiene como objetivo asegurarles un desarrollo pleno e integral, lo que implica la oportunidad de formarse física, mental, emocional, social y moralmente en condiciones de igualdad. El artículo 5 dispone que la Federación, el Distrito Federal, los estados y los municipios, procurarán implementar los mecanismos necesarios para impulsar una cultura de protección de los derechos de la infancia basada en el contenido de la Convención de los Derechos del Niño y tratados que sobre el tema apruebe el Senado de la República. Asimismo, el capítulo segundo denominado «Obligaciones de ascendientes, tutores y custodios», artículo 11, inciso B, dispone que son obligaciones de madres, padres y de todas las personas que tengan a su cuidado niñas, niños y adolescentes, protegerlos contra toda forma de maltrato, perjuicio, daño, agresión, abuso, trata y explotación.</p>
		<p>Política, legislación y/o reglamentación</p>	<p>Ley Federal del Trabajo (LFT): Esta ley incluye una regulación específica sobre el trabajo de los menores, a través de su título quinto bis (artículos del 173 al 180). Además, en sus artículos 5, 23, 22 contempla disposiciones relativas a la prohibición del trabajo de menores de 14 años, a la regulación del trabajo de menores de 16 y a las condiciones relativas a la obligación de respetar las necesidades de educación de los menores. El esquema de protección del niño esta asimismo contemplado en otros artículos tales como el 29, 51, 56, 132, 176 y 175 donde se señalan las causas de rescisión de la relación de trabajo; las condiciones de trabajo; prohibición de malos tratos; definición de labores insalubres y restricción de contratar menores en trabajos que puedan afectar su moralidad o sus buenas costumbres, así como su salud; así como la prohibición de la utilización de menores de 18 años para la prestación de servicios en el exterior.</p> <p>Código Penal Federal: En su artículo 201 Bis, el Código penal federal prohíbe el empleo de menores de 18 años en cantinas, tabernas, bares, antros centros de vicio o cualquier otro lugar en donde se afecte de forma negativo su sano desarrollo físico, mental o emocional. La contravención a esta disposición se castigará con prisión de tres días a un año de multa de 25 a 500 pesos (i.e., de 1.85 a 37 dólares EU a la fecha de 1 Diciembre 2011) y, además, con cierre definitivo del establecimiento en caso de reincidencia. Incurrirán en la misma pena los padres o tutores que acepten que sus hijos o menores, respectivamente, bajo su guarda, sean empleados en los referidos establecimientos.</p>

			<ul style="list-style-type: none"> • Reglamentación: <i>Reglamento Federal de Seguridad, Higiene y Medio Ambiente de Trabajo:</i> Esta reglamentación ordena que no se pueda utilizar a personas de 14 a 16 años de edad, en las labores peligrosas e insalubres (Arts. 159 y 154).
		Disposiciones jurídicas básicas	i) Ley para la protección de los derechos de niñas, niños y adolescentes, 2000; ii) Ley Federal del Trabajo (LFT); iii) Código Penal Federal; y iv) Reglamento Federal de Seguridad, Higiene y Medio Ambiente de Trabajo.
		Decisiones judiciales	EA 2002: Según la CTM: En la <i>Procuraduría de la Defensa del Menor y de la Familia</i> , se indica de manera estadística de 1992 al cierre preliminar del año 2000, las acciones realizadas sobre los juicios planteados, convenios judiciales, juicios concluidos e inclusive convenios extrajudiciales.
Ejercicio del principio y derecho		Enseñanza obligatoria	EAs 2000-2002: SI, la Constitución nacional (Art. 3) establece un sistema educativo obligatorio que abarca hasta la educación secundaria. Se prevé la escolarización obligatoria de los niños hasta los 15 años, debiendo haber realizado al menos nueve años de estudios.
		Edad mínima	SI, La LFT contempla disposiciones relativas a la prohibición del trabajo de menores de 14 años y a la regulación del trabajo de menores de 16 años.
		Peores formas de Trabajo Infantil	México ratificó el C.182.
		Tratamiento especial en determinadas situaciones	<p>EA 2010: Según el Gobierno: Respecto al rubro de la educación, la Secretaría de Educación Pública (SEP), a través del Programa de «Educación Básica para Niños y Niñas de Familias Jornaleros Agrícolas Migrantes», reportó que en ciclo escolar 2008-2009 se han atendido a 24.331 niñas y niños. Además de la SEP, el Sistema Nacional para el Desarrollo Integral de la Familia (DIF), también se ocupa de la población infantil trabajadora, a través del Programa «Prevención, Atención y Erradicación del Trabajo Infantil Urbano Marginal» y «De la Calle a la Vida».</p> <p>EA. 2009: Según el Gobierno: La Secretaría del Trabajo y Previsión Social (STPS), a través de la firma de Bases de Colaboración con el Instituto Nacional de Estadística, Geografía e Informática (INEGI), para el levantamiento del Módulo de Trabajo Infantil, anexo a la Encuesta Nacional de Ocupación y Empleo del cuarto trimestre de 2007; celebrado con la finalidad de contar con información actualizada sobre la magnitud y características de las niñas, niños y adolescentes de 5 a 17 años que realizan actividades económicas y domésticas en el país y en cada una de las entidades federativas, en cumplimiento y seguimiento del Convenio núm. 182 de la OIT y la Recomendación 190 (Apartado III), referentes a la prohibición de las peores formas de trabajo infantil. En el segundo semestre del 2008, INEGI entregará los resultados que muestran los indicadores y tabulados. Asimismo, entregará descripción de la base de datos, cuestionarios, manuales, catálogos y clasificadores, definiciones operativas utilizadas para la construcción de las variables contenidas en las tabulaciones de resultados. Se elaborará un tiraje de 300 publicaciones conteniendo antecedentes, aspectos generales y los tabulados definitivos del Módulo de Trabajo Infantil, adicionalmente a que se hará pública la información por Internet mediante la página Web de la Secretaría del Trabajo y Previsión Social. A través del Subprograma Política Laboral para la atención del trabajo infantil, a cargo de esta Secretaría se han llevado a cabo las siguientes acciones:</p>

		<p>i) Elaboración del Manual para empleadores sobre el trabajo infantil, una guía para la acción, preparado por la Organización Internacional del Empleadores con el apoyo del IPEC y el Departamento para las Actividades de los Empleadores de la OIT, cuyo contenido se refiere al marco conceptual, normativo internacional, el desarrollo y la ejecución de estrategias para la acción de los empleadores y la aplicación de las mejores prácticas de los empleadores contra el trabajo infantil, a nivel internacional; ii) Manual la participación sindical en la prevención y abolición del trabajo infantil y sus peores formas en México, dirigido a líderes sindicales, aborda temas sobre los principios de una cultura del trabajo digno, la responsabilidad social del sindicato ante la problemática, así como el marco conceptual, normativo-legal, y el desarrollo de campañas de sensibilización, basadas en experiencias exitosas internacionales; iii) Manual para inspectores: Combatiendo las peores formas de trabajo infantil, con el objetivo de otorgar herramientas para un inspección eficaz en la detección del trabajo infantil, así como la implementación de programas y estrategias para el adecuado abordaje en la inspección laboral, de casos de niños y adolescentes inmersos en el trabajo infantil. Por otra parte, cabe señalar que en el marco del Programa para la Prevención, Atención, Desaliento y Erradicación del Trabajo Urbano Marginal, a cargo del Sistema Nacional para el Desarrollo Integral de la Familia (SNDIF), en 2007 se atendió a 73.446 niños trabajadores y a 99.943 niños en riesgo de incorporarse al trabajo infantil. Para mantener y reinsertar a los niños trabajadores en el ámbito escolar, se proporcionaron 6.067 becas académicas y de capacitación a igual número de niños, obteniendo una eficiencia al término del ciclo escolar de 2007 de 91 por ciento. En el primer trimestre de 2008 se atendió a 14.199 niños trabajadores y a 108.902 niños en riesgo de incorporarse al trabajo infantil.</p> <p>EAs 2000-2002: Según el Gobierno: Los niños que trabajan en el sector informal gozan del beneficio del Programa «De la calle a la vida», un programa de prevención y atención a niñas, niños y jóvenes en situación de calle. Es una estrategia que centra su atención en el 10 por ciento de los menores de la calle detectados por el Estudio de las 100 Ciudades. Estos menores serán atendidos a través de una coordinación entre el Gobierno de México y la sociedad civil. Además, en la LFT (Art. 352) se establece que no se aplican a los talleres familiares las disposiciones de esa ley, con excepción de las normas relativas a higiene y seguridad. Al respecto en su artículo 351 establece que son talleres familiares aquellos en los que exclusivamente trabajan los cónyuges, sus ascendientes, descendientes y pupilos.</p> <p>Según la CTM: Hay un Programa de atención a menores y adolescentes en riesgo: integración social y familiar de menores de la calle, en riesgo o en circunstancias especialmente difíciles.</p>	
		<p>Recopilación y divulgación de información y datos</p>	<p>EA 2012: Según el Gobierno: La Secretaria del Trabajo y previsión social (STPS) en el 3 de Julio de 2010 presentó los siguientes resultados del segundo levantamiento del modulo de trabajo infantil: 3 millones de niños entre 5 y 17 años de edad trabajando (66,9 por ciento niños y 33,1 por ciento niñas) que representan 10,6 por ciento de la población menor de edad en el país. De estos: 0,9 millones tenían de 5 y 13 años de edad (28 por ciento). 2,1 millones tenían de 14 y 17 años de edad (72 por ciento). De 2007 a 2009, la población infantil que laboraba para un no familiar disminuyo en 662 mil (98 por ciento de la disminución total de la población infantil ocupada). La población infantil ocupada con un no familiar paso de 1,8 millones a 1,2 millones. Además, de septiembre a junio de 2011, se han realizado 27 Foros-Taller en igual número de estados con la asistencia de actores estratégicos de instituciones de gobierno y representantes de cámaras empresariales, sindicatos y organizaciones de la sociedad civil.</p>

			<p>EAs 2010-2011: Según el Gobierno: Gracias a los programas de transferencias sociales, el trabajo infantil ha disminuido a 5,5 por ciento de las niñas y niños menores de 5 a 13 años y a una tasa general de 12,5 por ciento de los menores de 5 a 17 años. El Gobierno anexa a su informe los Indicadores Básicos de la Población Infantil del MTI 2009 así como los «Resultados del módulo de trabajo infantil 2007» y el esquema de apoyos monetarios mensuales por concepto de becas educativas vigente a partir del segundo semestre de 2010.</p> <p>EA 2009: La Secretaría del Trabajo y Previsión Social conjunta diversas acciones a través de la Política para la atención del trabajo infantil, la cual se encuentra estructurada en dos vertientes: acciones para la protección de los adolescentes en edad permisible para trabajar de 14 a 18 años y aquellas destinadas a erradicar las peores prácticas de explotación laboral y trabajo infantil. En este sentido, en cumplimiento del Convenio 182 de la OIT, de manera conjunta con organizaciones representativas de empleadores y de trabajadores a través de las Delegaciones Federales del Trabajo se llevaron diferentes acciones en los Estados de Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Chihuahua, Guanajuato, Guerrero, Hidalgo, Jalisco, Estado de México, Michoacán, Nayarit, Nuevo León, Oaxaca, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tlaxcala Yucatán y Zacatecas: La Secretaría del Trabajo y Previsión Social a través de su Programa: Política laboral para la protección del trabajo infantil, implementó la estrategia de sensibilizar y capacitar a líderes sindicales, representantes de organismos empresariales, así como a Inspectores Federales y locales del Trabajo, elaborando Manuales de capacitación con los conceptos básicos, riesgos y consecuencias de que las niñas, niños y adolescentes trabajen en actividades peligrosas, marco jurídico nacional e internacional, acciones estratégicas desde su ámbito de competencia de los diferentes actores clave, prácticas exitosas internacionales y nacionales presenta estrategias para el desarrollo de un plan de trabajo de identificación de personas menores de edad en actividades peligrosas y la estrategia a seguir para su atención conforme a la Ley, aplicable a nivel nacional a través de las Delegaciones Federales del Trabajo en las 32 Entidades Federativas del país.</p> <p>EA 2008: Según el Gobierno: En coordinación con el Instituto Nacional de Estadística, Geografía e informática se desarrollaron los cuestionarios del «Módulo de Actividades de Niñas, Niños y Adolescentes 2007»; que será levantado a finales de este año, como un Anexo de la Encuesta Nacional de Ocupación y Empleo, enriquecidos con los comentarios de organismos nacionales e internacionales. Durante 2006 este Programa atendió a través de 9.156 proyectos, a 557.475 personas, de las cuales 201.004 (36 por ciento) fueron niños menores de 14 años. Este Programa opera en 1.096 localidades, todas ellas en 258 municipios de 18 Estados. Además, como seguimiento a los resultados del Programa de Desarrollo Humano Oportunidades se señala que los impactos a corto plazo en el trabajo de niños y jóvenes de zonas urbanas (a 1 y 2 años de participar en Oportunidades), muestran que el Programa disminuyó el porcentaje de niños entre 12 y 14 años que trabajan en alrededor de 8 por ciento en el primer año y de 12 a 14 por ciento en el segundo año de intervención. En el caso de las mujeres, se observa impacto de aquéllas de 15 a 18 años de edad reduciendo el porcentaje de las que trabajan en un 11 por ciento sólo en el primer año. Se dio seguimiento al Programa para la Prevención Eliminación de la Explotación Sexual Comercial Infantil y la Protección de Víctimas de Explotación Sexual Comercial Infantil en México, mismo que concluyó en abril de 2007.</p>
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	<p>Mecanismos de supervisión, aplicación y sanción</p>	<p>EA 2011: Según el Gobierno: La Secretaría del Trabajo y Previsión Social (STPS), a través de la Dirección General para la Igualdad Laboral, instrumenta una política para la prevención del Trabajo Infantil y la protección de menores trabajadores en edad permisible, incluyendo la creación de grupos interinstitucionales y con organizaciones para la prevención y combate al trabajo infantil. Además, la STPS en materia de acciones de prevención, ha asesorado sobre las prohibiciones, limitaciones, derechos y deberes de las personas menores de 18 años de edad que desean incorporarse al mundo laboral formal. Se otorga una autorización a los mayores de 14 y menores de 16 años para que trabajen en centros de trabajo sujetos a la competencia de las autoridades federales del trabajo, y se da seguimiento a las condiciones laborales en que presten sus servicios. En este sentido, los resultados de la función inspectiva son los siguientes: i) De septiembre a diciembre de 2009 se otorgaron 140 orientaciones a menores trabajadores; ii) En el periodo de enero a julio de 2010 se otorgaron 197 orientaciones; iii) De diciembre de 2006 a la fecha, se han realizado 1.684 orientaciones. Por fin, Además, en febrero de 2010 se lanzó la tercera etapa del proyecto IPEC en México, en esta ocasión, con el objetivo de contribuir a la prevención y erradicación del trabajo infantil y sus peores formas en México, en particular en el sector agrícola, con un enfoque especial en la niñez indígena y el trabajo infantil como resultado de la migración de los jornaleros agrícolas y sus familias. Cuenta con un presupuesto de 4.750.000 dólares estadounidenses financiados por el Departamento de Trabajo de los Estados Unidos, y tendrá una vigencia de 48 meses.</p> <p>EA 2010: Según el Gobierno: El Gobierno mexicano ha establecido mecanismos de coordinación de acciones para el combate al trabajo infantil entre varias dependencias de la administración pública y tiene programado tener 21 mecanismos estatales para la prevención y protección del trabajo infantil al finalizar 2009. Se inició también un módulo de medición del trabajo infantil en 2007, ya la información generada señala, entre otros, una tasa de ocupación infantil del 12.5 por ciento, equivalente a 3.647.067 personas entre 5 y 17 años de edad. La periodicidad de su levantamiento, programada cada dos años, permitirá la comparación futura de resultados y la medición de impacto de las políticas públicas para atender el trabajo infantil.</p>	

		<p>EA 2000: Según el Gobierno: Los artículos 173 y 174 de la LFT disponen respectivamente que, el trabajo de los mayores de 14 años y menores de 16 queda sujeto a vigilancia y protección especiales de la Inspección del Trabajo, así como que los mayores de 14 y menores de 16 años deberán obtener un certificado médico que acredite su aptitud para el trabajo y someterse a los exámenes médicos que periódicamente ordene la Inspección del Trabajo. Sin el requisito del certificado, ningún patrón podrá utilizar sus servicios. Asimismo, el artículo 177 dispone que la jornada de trabajo de los menores de 16 años no podrá exceder de seis horas diarias y deberán dividirse en períodos máximos de tres horas. Entre los distintos períodos de la jornada, disfrutarán de reposos de una hora por lo menos. El artículo 178 señala que queda prohibida la utilización del trabajo de los menores de 16 años en horas extraordinarias y en los días domingos y de descanso obligatorio. En caso de violación de esta prohibición, las horas extraordinarias se pagarán con un 200 por ciento más del salario que corresponda a las horas de la jornada, y el salario de los días domingos y de descanso obligatorio, de conformidad con lo dispuesto en los artículos 73 y 75 de la LFT. El artículo 179 considera que los menores de 16 años disfrutarán de un período anual de vacaciones pagadas de 18 días laborables, por lo menos. El artículo 180 establece para los patrones que tengan a su servicio menores de 16 años las siguientes obligaciones: 1) exigir que se les exhiban los certificados médicos que acrediten que están aptos para el trabajo; 2) llevar un registro de inspección especial, con indicación de la fecha de su nacimiento, clase de trabajo, horario, salario y demás condiciones generales de trabajo; 3) distribuir el trabajo a fin de que dispongan del tiempo necesario para cumplir sus programas escolares; 4) proporcionarles capacitación y adiestramiento en los términos de esta ley, y 5) proporcionar a las autoridades del trabajo los informes que soliciten. Las sanciones que se desprenden del ámbito laboral se encuentran especificadas en la LFT, en donde el artículo 995 establece multa por el equivalente de 3 a 155 veces el salario mínimo general al patrón que viole las normas que rigen el trabajo de los menores. Por su parte, el Reglamento de seguridad e higiene y medio ambiente en el trabajo establece, en su artículo 167 que se impondrán multas de 15 a 315 veces el salario mínimo general diario vigente en la zona económica de ubicación del centro de trabajo, al patrón que viole, entre otras, las disposiciones contenidas en los artículos 154 y 159 relativos al trabajo de menores.</p>
<p>ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO</p>	<p>Cometido de los interlocutores sociales</p>	<p>EA 2012: Según el Gobierno: La Secretaría del Trabajo y Previsión Social (STPS) se han creado y realizado 27 Foros-Taller en igual número de estados con la asistencia de actores estratégicos de instituciones de gobierno y representantes de cámaras empresariales, sindicatos y organizaciones de la sociedad civil sobre las temas: i) del trabajo decente; ii) Impacto del trabajo infantil y el marco jurídico en México e internacional; iii) la educación para factor de prevenir y erradicar el trabajo infantil; iv) otros mecanismos de la sociedad civil y fortalezas sindicales para prevenir y erradicar el trabajo infantil en México; v) la trata de personas y el trabajo infantil, y por fin; vi) la familia como pilar fundamental en la prevención y erradicación del trabajo infantil.</p> <p>EA 2007: Según el Gobierno: Las organizaciones de empleadores y de trabajadores participan en los programas del Gobierno. Según la CONCAMIN: Se han adoptado o previsto medidas y programas específicos en el país para lograr la abolición efectiva del trabajo infantil, donde las organizaciones de empleadores y de trabajadores han intervenido en la elaboración y aplicación de estas medidas o programas de acción participando en seminarios internacionales. Por otro lado, se orienta a las empresas acerca de cómo abordar este problema y aplicar estas medidas o programas de acción.</p>

	<p>Actividades de promoción</p>	<p>EA 2012: Según el Gobierno: A continuación se señalan los avances realizados por la STPS, a través de los siguientes ejes de acción de esta política: Generar información estadística en forma periódica (por ejemplo: los resultados del Segundo Levamiento del Modulo de Trabajo Infantil en la Encuesta Nacional de Ocupación y Empleo 2009); i) Impulsar mecanismos de coordinación intersecretarial (colaboración con los sectores público, social y privado para promover acciones coordinadas en materia de combate al trabajo infantil y protección de los menores trabajadores en edad permisible, en este ámbito se han creado los Foros-Taller que realizado las siguientes acciones: a) se ha acordado la firma de 25 Cartas Compromiso Intersectorial para la prevención y erradicación del trabajo infantil en 25 Estados en México; b) La impartición en los estados de Colima, Guerrero, Jalisco y Oaxaca del Taller para prevenir y erradicar el trabajo infantil durante el primer semestre 2011 y en el secundo semestre 2011 las Estados de Puebla, Nuevo León y Vera Cruz; ii) Prevenir y erradicar el trabajo infantil en el sector agrícola; iii) Promover los derechos laborales y el fortalecimiento del marco legal; iv) Acciones realizadas por la Secretaría de desarrollo social (SEDESOL); v) Acciones realizadas por el sistema nacional para el desarrollo integral de la familia (DIF). El programa ha desarrollado tres líneas de acción; vi) Diversas acciones y subprogramas del sistema Nacional de Empleo, contribuyen de manera indirecta a la prevención del trabajo infantil: Intervención comunitaria, Becas Académicas y Capacitación que contribuyen al desarrollo académico, y Paquete Básico de Bienestar Social; vii) El programa de desarrollo Humano Oportunidades, que se ha desarrollado ampliamente en años anteriores; viii) El programa de Atención a jornales Agrícolas y sus familias; ix) Centros para la Prevención, Atención a menores y Adolescentes en Riesgo (PAMAR), y x) El Acuerdo Nacional por la Seguridad, la Justicia y la Legalidad.</p> <p>EA 2010: Según el Gobierno: El Programa Prevención, Atención y Erradicación del Trabajo Infantil Urbano Marginal, impulsa el desarrollo de acciones para prevenir y atender el trabajo infantil urbano marginal con la participación de los tres órdenes de gobierno, organismos internacionales y de la sociedad civil, por medio de la promoción de redes comunitarias, el fortalecimiento de las capacidades familiares e individuales y la revaloración de la escuela como generadora de capacidades. A través del programa se promueven las siguientes estrategias básicas que pretenden dar una atención integral a las niñas, niños y adolescentes trabajadores. Además, El Programa denominado «De la Calle a la Vida». Impulsa el enlace y la coordinación de esfuerzos entre los sectores público, privado y social que previenen y atienden el fenómeno de la niñez en situación de calle y sus familias, con la finalidad de contribuir a dar solución y atención integral, a mediano y largo plazo a dicha problemática.</p> <p>La COPARMEX señaló que había promovido que no se contrate menores de 18 años.</p> <p>EA 2009: Según el Gobierno: Con la finalidad de coordinar esfuerzos y dar seguimiento a las acciones de promoción de la equidad laboral, sensibilización, capacitación, fortalecimiento del marco jurídico y desarrollo de investigaciones en materia de prevención del trabajo infantil, se organizó y/o participó en 29 reuniones y eventos con instituciones y organizaciones. De igual manera en materia de trabajo digno se definió como tema prioritario la prevención del trabajo infantil, para ello se prevé el otorgamiento de un distintivo a las empresas agrícolas que acrediten su responsabilidad social mediante la protección de los derechos humanos de la niñez.</p> <p>EA.2008: Según el Gobierno: Con la finalidad de coordinar esfuerzos y dar seguimiento a las acciones de promoción de la equidad laboral, sensibilización, capacitación, fortalecimiento del marco jurídico y desarrollo de investigaciones en materia de prevención del trabajo infantil, se organizó y/o participó en 29 reuniones y eventos con instituciones y organizaciones. De igual manera, en materia de trabajo digno se definió como tema prioritario la prevención del trabajo infantil, para ello se prevé el otorgamiento de un distintivo a las empresas agrícolas que acrediten su responsabilidad social mediante la protección de los derechos humanos de la niñez.</p>
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		<p>EA 2007: Según el Gobierno: Con el fin de fortalecer las acciones exitosas y lograr mejores resultados mediante la reorientación de las que así lo requieren, en el Programa de Apoyo OIT/IPEC-STPS, se llevó a cabo una evaluación interna en 2005, por representantes de la OIT en Ginebra, Perú, Costa Rica y México y la STPS. La evaluación consistió en entrevistas a los aliados y actores participantes en el Programa de Apoyo, tanto del ámbito nacional como local, y la visita a los centros de atención a víctimas de la ESCI en Guadalajara y Tijuana. Asimismo, se desarrollaron dos talleres de plan de acción estratégica en Guadalajara y Tijuana y se elaboró la propuesta de Addendum del Programa de Apoyo OIT/IPEC-STPS, que consiste en ampliarlo por un periodo de un año y medio más a fin de fortalecer las acciones desarrolladas haciendo énfasis en la vertiente de atención a las víctimas de la ESCI. Se llevó a cabo un taller para identificar y recoger las buenas prácticas y las lecciones aprendidas de la primera etapa del Programa de Apoyo (septiembre de 2002 a septiembre de 2005), con la participación de representantes de las instituciones que lo operan, tanto en el ámbito estatal como municipal.</p> <p>Según la CONCAMIN y la COPARMEX han organizado actividades promocionales para luchar contra el trabajo infantil, en cooperación con la OIT.</p> <p>Según la CTM: La CTM ha establecido un comité especial para tratar todo sobre combatir cualquier forma de trabajo infantil en México, incluyendo las peores formas de trabajo infantil. La CTM ha hecho también promoción publicitaria (difusión de mensajes televisados y radio conferencias).</p> <p>EA 2001: Según el Gobierno: Se han distribuido, a través de la difusión y promoción en los medios de comunicación masiva, 30.950 ejemplares de la Carta de los Derechos Laborales del Menor en las entidades federativas del país.</p>
<p>ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO</p>	<p>Iniciativas especiales/Avances</p>	<p>EA 2012: Según el Gobierno: Diversas acciones y subprogramas del sistema Nacional de Empleo, contribuyen de manera indirecta a la prevención del trabajo infantil: Intervención comunitaria, Becas Académicas y Capacitación que contribuyen al desarrollo académico, y Paquete Básico de Bienestar Social.</p> <p>EA 2011: Según el Gobierno: La Secretaría de Desarrollo Social (SEDESOL), a través del Programa Oportunidades, ayuda a la erradicación del trabajo infantil mediante la inscripción, asistencia regular y terminación de los niveles educativos. Las becas educativas de este Programa se entregan a partir del 3er grado de primaria y hasta la educación media superior, son crecientes conforme se avanza de grado y nivel, y favorecen a las mujeres a partir del nivel de secundaria. Los montos de las becas buscan reducir el costo que representa para las familias tener a los niños en la escuela por los ingresos monetarios o contribuciones a las tareas del hogar que se dejan de percibir, por la dificultad de sufragar el costo de los útiles y materiales educativos, y/o por la imposibilidad de cubrir los costos de transporte cuando los planteles escolares no están cerca del hogar. Con lo anterior, Oportunidades pretende que los hogares dejen de sacrificar el rendimiento que la mayor escolaridad les brindará en el mediano plazo a los niños y jóvenes de los hogares atendidos con respecto al rendimiento que en el corto plazo obtienen los hogares del trabajo infantil (desde \$ mexicanos 145.000 hasta 925.000). En complemento a lo anterior, Oportunidades entrega los apoyos monetarios a los hogares beneficiarios a través del titular de cada hogar. Oportunidades busca que la titularidad del hogar recaiga en la madre de familia pues: i) La mujer juega un papel central en la procuración del bienestar familiar y en especial, en la salud y en el buen desarrollo de sus hijos; y ii) Al recibir y administrar los ingresos adicionales por becas educativas, la madre de familia cuenta con elementos para mejorar su poder de negociación al interior del hogar, en particular, en aquello relacionado con las decisiones de educación y trabajo de sus hijos. La SEDESOL también se encarga de operar el Programa de Atención a Jornaleros Agrícolas que tiene el objetivo de contribuir a disminuir el rezago que enfrentan los jornaleros agrícolas y sus familias mediante acciones orientadas a generar igualdad de oportunidades y ampliar sus capacidades. Está dirigido a jornaleros agrícolas de 16 años o más y sus familias. Además, La Secretaría del Trabajo y Previsión Social (STPS), a través de la Dirección General para la Igualdad Laboral, instrumenta una política para la prevención del Trabajo Infantil y la protección de menores trabajadores en edad permisible. Esta política se sustenta en cuatro ejes: i) Generar información estadística periódica; ii) Impulsar mecanismos de coordinación interinstitucional; iii) Prevenir y erradicar el trabajo infantil en el sector agrícola; iv) Promover los derechos laborales y el fortalecimiento del marco legal.</p>

		<p>Dentro de estas estrategias, destacan las siguientes acciones: i) Rediseño colegiado de los cuestionarios para el levantamiento del Módulo de Trabajo Infantil 2007 y 2009. Elaboración de materiales de difusión con los resultados a nivel nacional de 2007 y 2009, sobre la ocupación laboral de niñas, niños y adolescentes entre 5 y 17 años de edad, para ser difundidos vía electrónica a actores clave de gobierno y sociedad que atienden la problemática en las 32 entidades federativas; ii) Creación de grupos interinstitucionales y con organizaciones para la prevención y combate al trabajo infantil; iii) Realización de foros taller y formación de grupos de trabajo con organizaciones empresariales, sindicales, gubernamentales y de la sociedad civil, a través de la firma de Cartas compromisos Intersectoriales para prevenir y erradicar el trabajo infantil, así como la protección de menores trabajador en edad permisible, a nivel estatal; iv) Prevenir y erradicar el trabajo infantil agrícola, a través del Proyecto IPEC-OIT y el distintivo «Empresa Agrícola Libre de Trabajo Infantil»; y v) Difundir los derechos laborales y el fortalecimiento del marco legal por medio de la Inspección Federal del Trabajo. Por fin, Los Resultados de la evaluación externa de impacto del Programa Oportunidades sobre trabajo infantil (01/01/2009 al 31/07/2010) son los siguientes:</p> <p>i) Resultado de Evaluación (Directos): <i>a)</i> Los factores que causan el ausentismo escolar pesan menos donde existen las Becas del Programa oportunidades. (Ej. Trabajo agrícola infantil, escasa cobertura educativa y su repercusión en costos de transporte); <i>b)</i> El trabajo infantil, ya sea en el hogar o en el campo, es de gran relevancia para las economías domésticas y, al combinarse con las trayectorias educativas, después de enfrentar el dilema de las prioridades económico-domésticas, contribuye a paliar la tensión entre trabajo y educación fomentando así la asistencia a la escuela; <i>c)</i> Existen diversos factores extraescolares y ajenos al Programa Oportunidades que propician el ausentismo escolar: condiciones climáticas adversas, problemas de salud de los estudiantes, necesidad de trabajo infantil y juvenil en el hogar y – a menudo mediante la emigración – en tareas agrícolas, etc.; y <i>d)</i> Uno de los impactos más notables del Programa Oportunidades es el de los individuos de la generación de hijos (e hijas) que declaran el estudio como su principal ocupación. Justamente uno de los objetivos del Programa ha sido la postergación de la edad de ingreso al mercado de trabajo mediante el alargamiento de las trayectorias educativas. Oportunidades no desea que los jóvenes de 15 años estén empleados o realizando actividades productivas en la tierra familiar. Eso es lo que busca evitar. Muestra de ello, es el alto porcentaje de hijos e hijas (becarios y ex becarios) que declaran el estudio como su ocupación principal como un impacto digno de tomarse en cuenta para que el Programa continúe enfocando sus esfuerzos al logro de éste y otros objetivos a fin de extenderlos más, como lo muestra el siguiente cuadro; y ii) Resultado de Evaluación (Indirectos): <i>a)</i> El Programa Oportunidades tiene efectos positivos sobre la inserción laboral en la medida en que incrementa la educación y salud de los beneficiarios, porque en general, individuos con mayor educación tienen mayor probabilidad de empleo y mayores salarios; y <i>b)</i> Mediante las becas escolares y la prolongación de las trayectorias educativas, el Programa ha contribuido a posponer o debilitar la reproducción del patrón tradicional (en cuanto a la primera unión y la inserción laboral) en los becarios y ex becarios más jóvenes. El Gobierno anexa a su informe un cuadro relativo a los <i>Avances de los indicadores de Matriz de Indicadores para Resultados (MIR)</i> del Programa Oportunidades sobre aspectos relacionados con trabajo infantil (01/01/2009 al 31/07/2010).</p>
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Además de la SEP, el Sistema Nacional para el Desarrollo Integral de la Familias (DIF), también se ocupa de la población infantil trabajadora, a través del Programa «Prevención, Atención y Erradicación del Trabajo Infantil Urbano Marginal» y «De la Calle a la Vida». El Programa Prevención, Atención y Erradicación del Trabajo Infantil Urbano Marginal, impulsa el desarrollo de acciones para prevenir y atender el trabajo infantil urbano marginal con la participación de los tres órdenes de gobierno, organismos internacionales y de la sociedad civil, por medio de la promoción de redes comunitarias, el fortalecimiento de las capacidades familiares e individuales y la revaloración de la escuela como generadora de capacidades. Entre las políticas del programa, destaca el fortalecimiento familiar y escolar, que permite dar prioridad a la atención de las niñas, niños y adolescentes trabajadores a fin de privilegiar el eje educativo como estrategia fundamental para impulsar la permanencia o reincorporación de estos grupos de población a alguna modalidad educativa, considerando que éste es un espacio de protección y formación, que contribuye a dotarlo de las capacidades que le permitan un mejor desarrollo. A través del programa se promueven las siguientes estrategias básicas que pretenden dar una atención integral a las niñas, niños y adolescentes trabajadores: i) <i>Intervención Comunitaria</i> a través del <i>Modelo de Educación no Formal para Niñas, Niños y Adolescentes Trabajadores</i>, consiste en detectar las fortalezas de la comunidad y la familia como elementos clave para asegurar la permanencia de las niñas, niños, y adolescentes trabajadores en la escuela ó en su caso reinsertarlos a esos espacios como la mejor forma de dotarles de las capacidades mínimas para su futura incorporación a la vida social y productiva; ii) <i>Becas Académicas y de Capacitación</i> que contribuyen al desarrollo académico y en su caso a la capacitación para el trabajo de las niñas, niños y adolescentes trabajadores del sector informal de la economía. Se trata de coadyuvar a la permanencia o re inserción de las niñas, niños y adolescentes a la familia y a la escuela mejorando su rendimiento escolar y la adquisición de capacidades para un mejor futuro; iii) <i>Paquete Básico de Bienestar Social</i>, consiste en llevar a las niñas, niños, adolescentes y sus familias diversos programas y acciones que se brindan en instituciones públicas y privadas de carácter social y asistencial (salud, educación, apoyo alimentario, asesoría jurídica y psicológica, prevención y detección de alguna discapacidad, vacunación y prevención de adicciones, alfabetización, capacitación para el trabajo, proyectos productivos, bolsa de trabajo, y promoción del deporte la recreación y la cultura); y iv) <i>Institucionalización de los Diagnósticos sobre Trabajo Infantil Urbano Marginal a nivel Nacional, Estatal y Local</i>, se busca generar conocimiento sobre el comportamiento de este fenómeno, así como, dar seguimiento y evaluar los impactos y acciones de las políticas y programas puestos en marcha para atenderlo. Además, El Programa denominado «De la Calle a la Vida». Impulsa el enlace y la coordinación de esfuerzos entre los sectores público, privado y social que previenen y atienden el fenómeno de la niñez en situación de calle y sus familias, con la finalidad de contribuir a dar solución y atención integral, a mediano y largo plazo a dicha problemática. Sus estrategias son las siguientes: i) Diseñar mecanismos de enlace y vinculación eficientes entre las instancias participantes; ii) Promover el desarrollo de modelos de intervención con un enfoque de integralidad de acuerdo a las características y necesidades particulares de las niñas, niños y jóvenes en situación de calle y sus familias; iii) Promover el fortalecimiento de todos los sectores y actores que atienden o previenen el fenómeno de la niñez en situación de calle y sus familias; iv) Coadyuvar al desarrollo de una cultura de respeto y atención a la niñez en situación de calle; v) Impulsar acciones de difusión para sensibilizar a la comunidad en relación a la problemática; y vi) Crear mecanismo que permiten el seguimiento y evaluación del progreso que se registre en el fenómeno. Las líneas de acción de este programa son las siguientes: i) Enlace de acciones y voluntades; ii) Revisión legislativa; iii) Asesoría técnica especializada; iv) Desarrollo e investigación de modelos de intervención; y v) Sensibilización y difusión.</p>
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		<p>EAs 2002-2006: <i>Según el Gobierno:</i> El Programa federal CONTIGO tiene como objetivo mayor de crear las condiciones para que todas las niñas y niños inicien su vida en un contexto de igualdad de circunstancias que sean propicias para su desarrollo integral. La implementación del Programa de Atención a Jornaleros Agrícolas por el Gobierno Federal, el cual tiene como objetivo ofrecer a este grupo de población mejores condiciones de vida, a través de servicios básicos y educativos apropiados para su desarrollo físico impulsa acciones en los ámbitos de vivienda y saneamiento ambiental, salud y seguridad social; alimentación y abasto; educación, cultura y recreación; empleo, capacitación y productividad y procuración de justicia, durante 2004 ha beneficiado a 5.787.759 personas, de las cuales 208.942 son niños y niñas menores de 14 años. Este proyecto brinda opciones formativas no escolarizadas a hijos de jornaleros agrícolas, con atención a los niños migrantes menores de 6 años en colaboración con UNICEF. El Programa federal OPORTUNIDADES proporciona incentivos para la educación, salud y la nutrición infantil, con el fin de promover el desarrollo de las capacidades de las familias en extrema pobreza. Atiende a 25 millones de mexicanos otorgando apoyos alimenticios, becas desde tercer grado de primaria hasta bachillerato y apoyos en salud, para evitar con ello que los niños y las niñas acudan a trabajar para ayudar al ingreso familiar. Como consecuencia de la implementación del Programa de Prevención y Combate al Trabajo Infantil por la Secretaría del Trabajo y Previsión Social (STPS) la participación de la fuerza laboral de niños y niñas en actividades asalariadas y no asalariadas disminuyó entre el 15 y 25 por ciento en el año 2004 con relación a la probabilidad de participación laboral antes de la implementación del programa. El Programa de Prevención, Protección y Vigilancia del Trabajo de los menores en edad permisible, el cual protege al menor trabajador. El Programa para la Prevención, Atención, Desaliento y Erradicación del Trabajo Infantil Urbano-Marginal pretende contribuir a dar solución y atención integral hacia aquellas situaciones de alto riesgo de las que los menores trabajadores pueden ser víctimas en las principales zonas metropolitanas del país. El Programa cuenta con diversas estrategias entre las que destaca Modelo de Educación no formal para Menores Trabajadores Urbano-Familiares, que tiene como propósito detectar y potenciar las fortalezas de la comunidad y la familia como elemento clave para asegurar la permanencia de las niñas, niños y adolescentes trabajadores en la escuela. El Programa de Becas Académicas y de Capacitación que otorga beca. Esta estrategia contribuye al desarrollo académico y a la capacitación para el trabajo de los menores y adolescentes trabajadores urbano-marginales del sector informal de la economía, así como de los menores en riesgo de incorporarse a las actividades laborales, buscando enriquecer sus expectativas de vida y fortalecer las oportunidades para su superación personal. Por otra parte, el gobierno Federal, a través del Programa de Atención a Menores Trabajadores, ha otorgado becas académicas y de capacitación.</p> <p><i>Según la CTM:</i> Hay un Programa de Promoción del desarrollo familiar y comunitario que ha atendido familias, personas y municipios, y menores en riesgo o en circunstancias especialmente difíciles. Este programa incluye información estadística de la población atendida a través de los servicios coordinados de salud.</p> <p>EA 2000: <i>Según el Gobierno:</i> A través del Programa Nacional de Acción a favor de la Infancia 1995-2000, ejecutado por el Sistema Nacional para el Desarrollo Integral de la Familia (DIF), se aplica una política integral que considera acciones de salud, educación, combate a la pobreza, integración familiar, protección y defensa de los derechos infantiles y procuración de justicia, para propiciar el acceso de las niñas y los niños al bienestar y al desarrollo armónico de todas sus facultades. Esta así como vigorizar todas aquellas acciones que permitan desalentar la participación de menores en actividades que se desarrollen en medios ambientales insalubres, inseguros y en el sector informal de la economía, intensificar cualitativamente las tareas de vigilancia e inspección laboral del trabajo de menores, especialmente en ramas y actividades de jurisdicción local. También se ocupa una amplia difusión, entre la población en general, sobre la pertinencia de prevenir el trabajo infantil que impide un adecuado desarrollo de los menores. Para alcanzar los objetivos de las acciones arriba mencionadas, se ha establecido un acercamiento entre las diferentes dependencias gubernamentales involucradas, organizaciones de empleadores y de trabajadores e instituciones públicas y privadas.</p>
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PROBLEMAS PARA REALIZAR EL PRINCIPIO Y DERECHO	Según los interlocutores sociales	Organizaciones de Empleadores	<p>EA 2012: Según la CONCAMIN: De manera especial en actividades del campo en donde los menores en trabajos de apoyo familiar, difícilmente pueden marginarse de la actividad correspondiente. En la medida que pueda fortalecerse la economía de esas zonas se podrá ir aboliendo el trabajo infantil.</p> <p>EA 2005: Según la CONCAMIN: El trabajo por cuenta propia, la agricultura familiar o artesanal y el trabajo realizado en zonas francas no están cubiertos por legislación nacional alguna a este respecto.</p>
		Organizaciones de Trabajadores	<p>EA 2010: Según la CROC: Con las desigualdades sociales, las familias que son muy pobres tienen que enviar sus niños a trabajar para sobrevivir.</p> <p>EA 2008: Según la CTM: Hay un año de diferencia entre la edad del niño al fin de enseñanza obligatoria y la edad mínima de admisión al empleo o al trabajo.</p> <p>EA 2007: Según la CTM: El trabajo infantil se ha superado mucho en la práctica. La CTM ha establecido un comité especial para tratar sobre todo combatir cualquiera forma de trabajo infantil en México, incluyendo las peores formas de trabajo infantil. La CTM ha hecho también promoción publicitaria (difusión de mensajes televisados y radio conferencias). La OIT podría más apoyar al Instituto Infantil de Educación con seminarios de trabajo.</p> <p>EA 2005: Según la CTM: La legislación nacional no abarca el trabajo a domicilio ni los servicios domésticos, siempre y cuando no sean insalubres. El Gobierno no lleva ningún registro de informaciones relacionadas con la abolición del trabajo infantil. El último censo de la población se llevó a cabo en 2000, pero los principales obstáculos con que ha tropezado México en la aplicación de este PYD están relacionados con el hecho de que no hay un censo exacto del número de trabajadores infantiles.</p>
	Según el Gobierno	<p>EA 2012: Según el Gobierno: Los siguientes son retos que se encuentra para la realización de la abolición efectiva del trabajo infantil: i) Erradicar el trabajo de las niñas y niños menores de 14 años; ii) Promover que los menores en edad permisible de trabajar continúen con sus estudios; iii) Fortalecer las facultades normativas de vigilancia y de sanción de las autoridades del trabajo; iv) Impulsar iniciativas de corresponsabilidad entre gobierno, empleadores, trabajadores, padre de familia y sociedad; v) Eliminar las peores formas de trabajo infantil para el 2016 en concordancia con los compromisos internacionales; vi) Fortalecer la inspección federal y local para la detección, previsión y erradicación del trabajo infantil, sobre todo en sus peores formas; vii) La suma de esfuerzos intersectoriales estatales y la consolidación de acciones articuladas entre instituciones y organizaciones de gobierno y sociedad para el seguimiento a los compromisos que se adopten. Por las otras dificultades, hay que mencionar que no existe en la legislación nacional disposición legal que obligue al patrón que utilice el trabajo de los menores de entre 14 y 16 años, para dar aviso a la autoridad laboral, del número de estos que laboren en su centro de trabajo, lo cual impide conocer el universo de menores trabajadores.</p>	

		<p>EAs 2008-2010: Según el Gobierno: Conjuntamente la STPS y el Instituto Nacional de Estadística y Geografía, diseñaron el <i>Módulo de Trabajo Infantil</i>, como un anexo al último trimestre de 2009 de la Encuesta Nacional de Ocupación (ENOE) 2007 y 2009, con el fin de medir la ocupación infantil de 5 a 17 años de edad y con ello mejorar la focalización de las políticas públicas en la material. El objetivo general del Módulo de Trabajo Infantil 2009 (MTI 2009), es ofrecer información sobre las características sociodemográficas de las niñas y los niños de entre 5 y 17 años de edad, que realizan actividades económicas, domésticas y escolares en nuestro país, con cobertura nacional y con representación por entidad federativa, que sirva para la instrumentación de políticas públicas focalizadas dirigidas a la atención del trabajo infantil. Además, en noviembre de 2008 la Secretaría del Trabajo y Previsión Social presentó de manera conjunta con el Instituto Nacional de Estadística y Geografía los resultados del Módulo de medición del trabajo infantil que contiene la incidencia del trabajo de los menores de edad en México. Esta encuesta se llevó a cabo en 59 mil hogares con cobertura temática en educación, trabajo y quehaceres domésticos de niños y adolescentes de 5 a 17 años de edad. El levantamiento bianual de este instrumento permitirá la comparación de resultados y la medición del impacto de las políticas públicas para atender el trabajo infantil.</p> <p>EA 2007: Según el Gobierno: El gobierno federal mediante la protección integral para niños, niñas y adolescentes en circunstancias especialmente difíciles, logro mantener una tendencia descendente en la prevalencia de trabajo infantil, y una tendencia creciente en la asistencia escolar de las niñas y los niños que trabajan. En el primero de los casos se observa una reducción de 33 por ciento entre el año 2000 y el 2005, en aquellos adolescentes que trabajan, y una reducción de 27 por ciento para los adolescentes de entre 14 y 17 años que lo hacen; en cuanto a los adolescentes de entre 14 y 17 años que estudian y trabajan se observa un aumento de 67 por ciento en el mismo período de tiempo.</p>
	<p>Solicitud</p>	<p>EA 2012: Según el Gobierno: Sin cambio.</p> <p>Según la COPARMEX: Se necesita más cooperación técnica de la OIT para promover la lucha contra el trabajo infantil en México.</p> <p>Según la CONCAMIN: Una de las formas de apoyo de la cooperación técnica, sería poder reunir a las diversas entidades encargadas del tema: laborales, penales, administrativas, de educación y economía, con los interlocutores sociales, trabajadores y empleadores y sus organizaciones, en una reunión de análisis del problema, en sus diversas fases, con objeto de identificar las soluciones más adecuadas para atacar el tema de manera integral. Además, se podría encausar la cooperación técnica con seminarios bi o tripartitas de parte de expertos de la OIT para hacer estudios comparativos de lo que existe en el medio y en diferentes países.</p> <p>EA 2010: La CROC solicitó la colaboración de la OIT con los sindicatos en relación con el PYD.</p> <p>EA 2009: Según el Gobierno: El apoyo técnico de la OIT sería útil para iniciar un programa específico en relación con el trabajo infantil de jornaleros agrícolas.</p> <p>EA 2008: Según el Gobierno: Se solicitó un programa específico en relación con el trabajo infantil de jornaleros agrícolas.</p> <p>EA 2007: Según la CONCAMIN y la COPARMEX: Se necesita más cooperación técnica de la OIT para promover la lucha contra el trabajo infantil en México.</p> <p>Según la CTM: La OIT podría mas apoyar al Instituto Infantil de Educación con seminarios de trabajo.</p> <p>EA 2006: Según la CONCAMIN: La OIT debería seguir prestando apoyo técnico en las siguientes esferas: el fortalecimiento de las capacidades de los organismos públicos competentes; la creación de empleo, el desarrollo de las competencias profesionales y la generación de ingresos; la sensibilización sobre los derechos del niño, y el intercambio de experiencias entre países y regiones.</p> <p>Según la CTM: Hace falta la cooperación técnica de la OIT para facilitar el logro del PYD.</p> <p>EAs 2002-2004: Intención del Gobierno de participar en un programa específico del Programa Internacional para la Erradicación del Trabajo Infantil (IPEC).</p>

COOPERACION TECNICA	Oferta	Programa de OIT/IPEC/USDOL, UNICEF, Cooperación multilateral OIT/OIT-STPS (Costa Rica, México y Perú). Según el Gobierno, está en proceso de negociación una cooperación técnica de IPEC/OIT para combatir el trabajo infantil agrícola.
OBSERVACIONES/ RECOMENDACIONES DE LOS EXPERTOS CONSEJEROS	<p>EA 2008: Los Expertos Consejeros en la Declaración de la OIT invitan al Gobierno-el único país del Examen anual que aún no ha declarado su posición sobre esta cuestión-(CF. Párrafo 56 de la Introducción del Examen anual de 2008-OIT: GB.301/3).</p> <p><i>(NOTA: Según el Gobierno: En el marco de la Campaña de ratificación de los Convenios Fundamentales el Gobierno mexicano sí ha manifestado su posición puntualmente en torno al Convenio núm. 138, en el sentido de que persiste la determinación del Senado de la República que el artículo 2 es incompatible con la legislación nacional.)</i></p> <p>EA 2007: Los Expertos Consejeros en la Declaración de la OIT instan al Gobierno de México (y a otro Gobierno) a que expresen su intención relativa a la ratificación del C.138 (cf. Párrafo 53 de la Introducción del Examen anual de 2008-OIT: GB.298/3).</p>	
OBSERVACIONES/ RECOMENDACIONES DEL CONSEJO DE ADMINISTRACION	Ninguna.	
RESOLUCION DE LA CONFERENCIA INTERNACIONAL DEL TRABAJO	<p>EA 2011: Después de un debate tripartito en la Comisión de la Declaración de 1998, la 99ª reunión, 2010, de la Conferencia Internacional del Trabajo adoptó una Resolución sobre el seguimiento de la Declaración de la OIT relativa a los principios y derechos fundamentales en el trabajo en 15 de junio 2010. El texto adjunto a esta Resolución reemplaza el anexo de la Declaración relativa a los principios y derechos fundamentales en el trabajo, y se titula «anexo de la Declaración de 1998 (revisado)». En particular, la Resolución «[toma] nota de los avances realizados por los Miembros en lo que atañe al respeto, la promoción y la realización de los principios y derechos fundamentales en el trabajo, y de la necesidad de apoyar esos avances manteniendo un mecanismo de seguimiento». Para más información, consulte las páginas 3-5 del siguiente enlace: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143168.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: MYANMAR

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2000 Annual Review (AR). No change reports for the 2001, 2006 and 2007 ARs.	
	Involvement of Employers' and Workers organizations in the reporting process	YES, according to the Government: Involvement of employers' and workers' associations by means of consultations and communication of the Government's report to the Union of Myanmar Federation Chamber of Commerce and Industries (UMFCCI) and the Workers' Welfare Associations concerned.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the UMFCCI. 2010 AR: Observations by the UMFCCI. 2008 AR: Observations by the UMFCCI.	
	Workers' organizations	NIL.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Myanmar has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has ratified the Convention on the Rights of the Child (CRC).
		Ratification intention	To be considered in appropriate time for C.138 and C.182 since 2009. 2012 AR: The Government reiterated that the ratification of C.138 and C.182 would be considered in appropriate time. The UMFCCI reiterated its support to the ratification of C.138 and C.182. 2010 AR: According to the Government: The new Constitution was adopted by the referendum held in May 2008, and the ILO should cooperate with Myanmar for the ratification of all ILO fundamental Conventions. Ratification of C.138 and C.182 would be considered in appropriate time to do so. 2008 AR: The Government indicated that the ratification of C.138 and C.182 would be considered as soon as the new Constitution is promulgated. It further mentioned that Myanmar had ratified the Convention on the Rights of the Child. The UMFCCI supported the ratification of C.138 and C.182. 2001 AR: based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138 and C.182.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>2012 AR: According to the Government: The Constitution of the Republic of the Union of Myanmar was ratified by the referendum held in May 2008 with 92.48 per cent affirmative votes.</p> <p>2010 AR: According to the Government: The new State Constitution was adopted by referendum in May 2008.</p> <p>2008 AR: The Government indicated that it was currently reviewing the Constitution in order to include the PR.</p>
		Policy, Legislation and/or regulations	<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: Myanmar National Plan of Action for Children 2006-2015 which consists of plans based on the MDGs and the WFFC will take measures for implementation in 4 focused areas – Health and Nutrition, Water and Sanitation, Education and Child Development, and Child Protection. Myanmar National Plan of Action for TIP 2007-2011.</p> <p>2008 AR: According to the Government, the Ministry of Health is carrying out its National Health Plan. The implementation of the Integrated Management of Maternal and Childhood Illness is still ongoing by the Department of Health. The Government has also implemented plans to achieve the Education for All within the Millennium Development Goals.</p> <ul style="list-style-type: none"> • Legislation: <p>(i) The Child Law 1993, sections 65 and 66; (ii) Shops and Establishments Act, 1951; (iii) Factories Act, 1951; (iv) the Overseas Employment Act, 1999; and (v) other legislations that address specific aspects of the rights of working children.</p> <ul style="list-style-type: none"> • Regulations: <p>The Child Law Rules and Regulations; The Overseas Employment Rules, 2000.</p>
		Basic legal provisions	<p>(i) The Constitution of 2008; (ii) The Child Law, 1993, and its rules and regulations; (iii) The Shops and Establishments Act, 1951; (iv) The Factory Act (1951); (v) The Overseas Employment Act, 1999; and (vi) The Overseas Employment Rules, 2000.</p>
		Judicial decisions	<p>Juvenile Justice, Penal Code.</p>

	Exercise of the principle and right	Compulsory education	YES.
		Minimum age	<p>2012 AR: According to the Government: The Factories and General Labour Laws Inspection Department has been enforcing and monitoring the minimum age for employment.</p> <p>2005 AR: According to the Government: General minimum age for admission to employment or work: 18 years for both boys and girls.</p> <p>Hazardous work: The minimum age for engaging in hazardous work is 18 years for boys. Women and children shall not be allowed to work in any hazardous work.</p> <p>2012 AR: The Child Law 1993, sections 65 and 66, provides that the penalties with aims to protect the child from being employed or permitted to perform work which is hazardous to his/her life, or may cause diseases or is harmful to his/her moral character.</p>
		Worst Forms Child Labour	<p>2012 AR: According to the Government: sections 65 and 66 of the Child Law provides that the penalties with aims to protect the child from being employed or permitted to perform work which is hazardous to the life of the child, which may cause diseases to the child or which is harmful to the child moral character.</p>
		Information/ Data collection and dissemination	<p>2012 AR: The Government stated that the Ministry of Labour has issued on an annual basis the Human Resources Development Indicator.</p> <p>2008 AR: According to the Government: The Ministry of Labour issued the Human Resource Development Indicator in 2005 containing information on school children.</p> <p>2000 AR: According to the Government: information or statistics, data and trends are still under preparation.</p>
	Prevention/Monitoring, enforcement and sanctions mechanisms	<p>2012 AR: According to the Government: Legislation, inspection and other social works are enforced and initiated by the Government Departments concerned. In addition, the Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Preventive Committee have also been enforcing and monitoring the underage recruitment and trafficking in person. Furthermore, protective and preventive measures against child abuse, neglect, exploitation, violence and discrimination are being taken in line with the Convention on the Rights of the Child. The State, Division, District and Township Child Rights Committees, which are being organized in accordance with the Child Law, also undertake activities for protection of children in collaboration with the UNICEF.</p> <p>2011 AR: According to the Government: In Myanmar, protective and preventive measures and actions against child abuse, neglect, exploitation, voidance and discrimination are being taken in line with the principle and right (PR) and in collaboration with the UNICEF. The Factories and the General Labour Laws Inspection Department has been enforcing and monitoring the minimum age for employment. Sections 65 and 66 of the Child Law provides that the penalties with the aims to protect the child from being employed or permitted to perform work which is hazardous to the life of the child, which may cause diseases to the child or which is harmful to the child moral character. Legislation, inspection and other social works are enforced and initiated by the Government Departments concerned: The Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Preventive Committee have also been enforcing and monitoring the underage recruitment and trafficking in person.</p>	

	<p>2009 AR: According to the Government: sections 65 and 66 of the Child Law state the penalties with aims to protect the child from being employed or permitted to perform work which is hazardous to the life of the child, which may cause disease to the child or which is harmful to the child moral character.</p> <p>2008 AR: According to the Government: The Ministry of Health is carrying out the program of health under the National Health Plan. In 1998, the Department of Health implemented the Integrated Management of Maternal and Childhood illness.</p> <p>2002 AR: According to the Government: In order to enforce the minimum age for employment, inspection/monitoring mechanisms have been implemented.</p> <p>2000-2004 ARs: According to the Government: In addition to punishments contained in labour laws, section 66 of the Child Law provides that whoever commits the offence is punishable by up to two years of imprisonment or fine which may amount to Ks.10,000 or both – Legislation, inspection and other social works are enforced and initiated by the Government Departments.</p>
Involvement of the social partners	<p>2012 AR: The Government indicated that the PR was promoted at national level with the involvement of the National Committee on the Rights of the Child, the Committee for the Prevention of Military Recruitment of Under-aged, the Trafficking in Person Preventive Committee, Related ministries, UN agencies (especially UNICEF), international and national NGOs, the civil society and actors in the private sector.</p>
Promotional activities	<p>2012 AR: According to the Government: The Government has implemented not only formal education but also non-formal education to promote the rural area. Myanmar also attended the meeting concerning the Declaration of Education for All (EFA) held in Thailand in 1990 and to be conformity with the said Declaration, Myanmar has implemented the plan of the Education for All. There is also prescribed the School Enrollment Week, the Government is trying her best to increase enrollment of the students by cooperation with the responsible persons, the person from the Department of Education, the NGOs and the social partners.</p> <p>2011 AR: According to the Government: The Government has implemented not only formal education but also non-formal education to promote the rural area. It has also implemented a national plan of the Education for All.</p> <p>2008 AR: According to the Government: promotion was undertaken in the formal and informal education with a special emphasis on rural areas. Moreover, a school enrolment week has been developed in collaboration with the Department of Education and employers' and workers' organizations and NGOs in order to increase the enrolment of students. The Ministry of Labour has implemented the program concerning the protection of children in collaboration with UNICEF, namely through workshops.</p> <p>The UMFCCI indicated that it promotes and participates in trainings, seminars intended to workers.</p>
Special initiatives	<p>2011-2012 ARs: According to the Government: The Committee for the Prevention of Military Recruitment of Under-Aged Children and the Trafficking in Person Prevention Committee has been established. Moreover, under the prescribed School Enrolment Week, the Government is striving to increase enrollment of the pupils in cooperation with the responsible persons, the Department of Education, NGO's and the social partners.</p>

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the UMFCCI: The economic conjuncture is very fragile due to the economic embargos and sanctions placed on Myanmar by several Western countries.
		Workers' organizations	NIL.
	According to the Government	2012 AR: According to the Government: The ILO should provide more technical support to help promote and realize the PR in Myanmar.	
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: Training courses should be provided by the ILO for capacity building of responsible governmental institutions (i.e., labour inspection and administration). The UMFCCI requested ILO's support for capacity building of employers, in particular in training of trainers (TOT) on the fundamental principles and rights at work.</p> <p>2011 AR: According to the Government: Training courses should be provided by the ILO for the capacity building of the responsible governmental institutions (i.e., labour inspection and administration).</p> <p>2004 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the principle of the effective abolition of child labour in Myanmar. In this respect, capacity building of responsible governmental institutions (e.g. labour inspection and administration) is the most important type of technical cooperation needed, followed by social protection systems.</p>	
	Offer	ILO, UNICEF, Save the Child, Myanmar Maternal and Child Welfare Association.	
EXPERT-ADVISERS' RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Myanmar, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Myanmar, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (cf. paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The ILO Declaration Expert-Advisers state that Myanmar records the highest minimum age (18) permitted by law for the employment of children (paragraph 202 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>		
GOVERNING BODY RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.		
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .		



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: NEW ZEALAND

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the start of the Annual Reviews (ARs) in 2000. No change report for the 2003 AR.
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to Government: Involvement of the Business New Zealand (BNZ) and New Zealand Council of Trade Unions (NZCTU) (<i>Te Kauae Kaimahi</i>) through communication of Government's report.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by BNZ. 2011 AR: Observations by BNZ. 2010 AR: Observations by BNZ. 2009 AR: Observations by BNZ. 2008 AR: Observations by BNZ. 2007 AR: Observations by BNZ. 2006 AR: Observations by BNZ. 2005 AR: Observations by BNZ. 2004 AR: Observations by BNZ. 2003 AR: Observations by BNZ. 2002 AR: Observations by BNZ. 2001 AR: Observations by BNZ. 2000 AR: Observations by BNZ.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Workers' organizations	<p>2011 AR: Observations by the NZCTU.</p> <p>2010 AR: Observations by the NZCTU.</p> <p>2009 AR: Observations by the NZCTU.</p> <p>2008 AR: Observations by the NZCTU.</p> <p>2007 AR: Observations by the NZCTU.</p> <p>2006 AR: Observations by the NZCTU.</p> <p>2005 AR: Observations by the NZCTU.</p> <p>2004 AR: Observations by the NZCTU.</p> <p>2003 AR: Observations by the NZCTU.</p> <p>2002 AR: Observations by the NZCTU.</p> <p>2001 AR: Observations by the NZCTU.</p> <p>2000 AR: Observations by the NZCTU.</p>	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Ratification</p>	<p>Ratification status</p>	<p>New Zealand ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).</p>
		<p>Ratification intention</p>	<p>Ratification possibilities for C.138 will be considered after policy and research work and national evaluation of related issues.</p> <p>2012 AR: According to the Government: In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand is able to ratify C.138 until after the evaluation of material (policy and research) on the issues surrounding, and the prevalence of, children's employment in New Zealand.</p> <p>According to BNZ: As BNZ has repeatedly indicated, the employment of young people in New Zealand is seen as a good way to acquire valuable labour market experience which frequently provides them with a head start when later looking for full-time employment. New Zealand to date has not found itself able to ratify C.138 because the country does not (as the Convention requires it) have an actual age below which young persons cannot be in paid employment but rather a <i>de facto</i> age; which is 16, the school leaving age. Young persons must attend school until they are 16 unless, in exceptional circumstances. A particular young person is permitted to leave school before turning 16. The kind of work in which young people in New Zealand engage is not 'child labour' in the sense that the ILO would understand that term. Should child labour in ILO terms be found to exist it would in no way be condoned. All children in the country are provided with a tax-payer funded education and required to attend school at both the primary and the secondary level.</p> <p>2011 AR: According to the Government: In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand is able to ratify C.138 until after the evaluation of material on the issues surrounding, and the prevalence of children's employment in New Zealand. This policy and research work is underway.</p> <p>According to BNZ: BNZ has on many occasions explained why it is not appropriate for New Zealand to ratify C.138 given the prescriptive nature both of the Convention itself and of the approach to Convention compliance that the ILO is likely to take. New Zealand observes C.138 principles, but does not, for reasons previously stated, prescribe an actual age below which young people are denied any right to engage in paid employment.</p>

		<p>2010 AR: According to the Government: After deferring consideration of ratification of C.138 in 2008, the Minister of Labour met with the Director-General of the ILO in June 2008 to discuss options for New Zealand's compliance with this instrument within New Zealand's current legislative and policy framework. A follow-up letter was concerning this issue was sent to the Director-General of the ILO. The 2008 General Observation by the Committee of Experts on the Application of Conventions and Recommendations on light work in relation to C.138 served as a useful clarification for New Zealand. In April 2009, the Minister of Labour decided to defer further consideration of whether New Zealand could ratify C.138 until after the evaluation of material on the issues surrounding, and the prevalence of, child labour in the country. This research is currently underway.</p> <p>According to BNZ: It is important to recall that in New Zealand the employment of young persons under the age of 18 has long been seen as a means of acquiring good work habits which stand them in good stead when later seeking permanent employment. For all such young persons, general health and safety laws apply – as well as some specific protections in certain areas – and exploitation of young workers is neither condoned nor a feature of the New Zealand labour market. It would be unfortunate for the ILO to assume that the kind of work undertaken by young people during out of school hours is in any way comparable to 'child labour' (or the worst forms of child labour) as these terms are commonly understood. For these reasons, BNZ is not able to support ratification of C.138 at present.</p> <p>The NZCTU supported the Government's moves to ratify C.138, but indicated its preference for a clearer timeframe for action and more consultation on the current issue of child labour.</p> <p>2009 AR: Both the Government, BNZ and NZCTU maintained their positions</p> <p>2008 AR: According to the Government: New Zealand's policy is to ratify Conventions once the law, policy and practice fully comply with the provisions of the Convention. New Zealand wishes to reiterate that the process of assessing the possibility of ratifying C.138 includes an analysis of what legislative changes may be required with a view to ensuring full compliance with the provisions of this Convention.</p> <p>According to BNZ: As in previous years, BNZ continues to oppose the ratification of C.138 because it doubts that the Committee of Experts will accept a <i>de facto</i> minimum age for full-time employment. In New Zealand there is a perception that might contrast with the Committee's. As both the Government and BNZ have explained, the employment of younger persons has traditionally been considered to benefit young people by teaching them valuable work skills and increasingly, with both parents employed, by ensuring that children are looked after in at least some of their out of school hours through gainful employment. (While out of school care is provided in New Zealand, young teenagers often consider themselves to be beyond care of this kind.) There would appear to be little to be achieved by ratifying a Convention, which would then open up New Zealand to a pointless challenge.</p>
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			<p>According to the NZCTU: The NZCTU refers to New Zealand's ratification of the UN Convention on the Rights of the Child (CRC) with reservation regarding article 32.2 of this instrument, and also the recommendation by the CRC Committee that the Government revise the legislation and set the minimum age for employment. The NZCTU further cites child advocates' opinion that the Government should review examples of child employment legislation from countries with similar culture, such as the United Kingdom, and the Australian states of Queensland and Victoria. The NZCTU notes that although the Government has made some progress towards ratifying C.138, it has not yet developed draft legislation that would meet ILO standards for compliance.</p> <p>2007 AR: According to the Government: New Zealand's policy remains not to ratify any Convention unless law, policy and practice fully comply with the provisions of the Convention. New Zealand wishes to reiterate that it is still in the process of assessing whether or not it can ratify C.138. This process includes an analysis of what legislative changes may be required in order for New Zealand to be in full compliance with C.138. The New Zealand Department of Labour is developing a proposal describing possible reforms to New Zealand's policy settings that might ensure full compliance of New Zealand law, practice and policy with the spirit of C.138. The Department will be working closely with the tripartite partners in the development of this proposal with the aim of achieving tripartite approval before the Governing Body meeting in November, which can then be discussed with ILO officials.</p> <p>According to BNZ: BNZ considers that New Zealand complies with C.138 by having a <i>de facto</i> minimum age, that is, a school leaving age of 16 that serves to prohibit the employment of children younger than 16 years during school hours. However, there is a perception that in order to comply with the Convention, the ILO requires an actual minimum and this perception is incompatible with BNZ's view that employment at ages less than 16 can be beneficial for the young people concerned. Ratification on the ILO's terms could not, therefore, be supported. Were ratification to occur, the absence of an actual age below which employment of any kind is prohibited would leave New Zealand open to a challenge of non-compliance with a ratified Convention. But providing for an actual age below which employment was not permissible would be contrary to a long-standing and accepted New Zealand practice of allowing a certain amount of out of school employment in the belief that acquiring early work experience is of considerable value to young people.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>2006 AR: According to the Government: New Zealand policy is not to ratify a Convention unless law, policy and practice fully comply with the provisions of the Convention.</p> <p>The NZCTU recommended ratification of C.138 by New Zealand.</p> <p>2002-2005 ARs: The Government reported that it was assessing, in the context of reviewing its reservation to article 32(2) of the UN Convention on the Rights of the Child, whether a general minimum age would be the most appropriate protection against the exploitation of children in work. This work, once completed, would assist with determining whether New Zealand is able to ratify C.138.</p>

		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2012 AR: According to the Government: Updates on national policy includes improving the knowledge base for policy development</p> <p>2011 AR: According to the Government: The existing policies and legislative framework already provide effective age thresholds for entry to work in general, and for safe work. As in the previous ARs: These policies and legislative framework include: (1) The Education Act 1989; (2) The Health and Safety in Employment Act 1992; (3) The Health and Safety Employment Regulations; (4) The Prostitution Reform Act 2003; (5) The Sale of Liquor Act 1989.</p> <p>2007 AR: According to the NZCTU: The NZCTU notes the Government announcement of new policy initiatives including “the development of specialized trade academies, expanded opportunities for school-based apprenticeships and enhanced trade and technology-based learning opportunities”. As yet the NZCTU has received no detail on such proposals. The NZCTU would welcome the opportunity to work with the Government on developing these proposals to maximize their relevance and fairness to young workers.</p> • Legislation: <p>The Health and Safety Employment Regulations 1995 restrict people under the age of 15 from working in dangerous workplaces, and they restrict people under the age of 16 from night work.</p> <p>According to BNZ: The legislative provisions referred to by the Government under this heading are as effective as any arbitrary age for employment would be in providing protections for young people in employment.</p> <p>2009-2010 ARs: These policies and legislative framework include:</p> <ul style="list-style-type: none"> – The Employment Relations Act 2000, sections 65, 54 and 5 (written employment agreement: individual and collective agreements and trial period); – The Education Act 1989 requires children to attend school until the age of 16 (with limited exemptions such as to attend alternative education or training), while employers are prohibited from employing children under 16 during school hours or when it would interfere with their attendance at school; – The Health and Safety in Employment Act 1992 sets out duties to provide safe workplaces, and it applies to all workers regardless of age. The Health and Safety Employment Regulations 1995 restrict young people under age 15 from working in dangerous workplaces, and they restrict people under 16 from night work; – The Prostitution Reform Act 2003 prohibits people under 18 from sex work; – The Sale of Liquor Act 1989 bans people under 18 from selling liquor in licensed premises; and – The Health and Safety in Employment Regulations 1995 as amended in 2008: protection of young people from hazardous work and extension of age restrictions on hazardous work and night work.
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		Basic legal provisions	(i) The Employment Relations Act 2000, sections 65,54 and 5 (written employment agreement: individual and collective agreements and 90-day trial period); (ii) The Education Act 1989; (iii) The Prostitution Reform Act 2003 (prohibition of people under the age of 18 from sex work); (iv) Holidays Act 1981; (v) Wages Protection Act 1983; (vi) Equal Pay Act 1972; (vii) Health and Safety in Employment Act 1992; (viii) The Health and Safety Employment Regulations 1995 (restrictions for people under the age of 15 from working in dangerous workplaces, and people under the age of 16 from night work); (ix) The Sale of Liquor Act 1989 (ban for people under the age of 18 from selling liquor on licensed premises; (x) the Explosives Act 1957; (xi) Guardianship Act 1968; (xii) Children, Young Persons and their Families Act 1989; (xiii) Summary Offences Act 1981; and (xiv) Crimes Act 1961.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES, the age of both boys and girls at the end of this period is 16 years (the Education Act 1989).
		Minimum age	<p>2008 AR: The NZCTU view is as follows: While noting that there is a strong cultural and community acceptance in New Zealand of part-time and casual employment for many young people, there is a need for legislation that would be both consistent with the aims of UNCRC and C.138, but without unduly restricting the right of children and young people to earn their own money. The development of legislation restricting the employment of young people from 13 to 15 years to light work as described in article 7 of the C.138, and setting the standard minimum age of employment at 16 years for other work would appear to meet these aims.</p> <p>2000-2005 ARs: According to the Government: New Zealand's national legislation does not establish a general minimum age for admission to employment. The Government does not believe that all forms of child employment are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking.</p> <p>The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.</p>

		<p>Worst Forms of Child Labour</p>	<p>C.182 is ratified.</p>
		<p>Special attention to particular situations</p>	<p>2012 AR: According to the Government: Particular attention continues to be paid to young people working in farms. In November 2010, the Department launched a quad bike farm safety campaign. One of the four basic safety steps promoted was “Don’t let children ride adult quad bikes (over 90cc)”. The campaign is supported by information, and, from April 2011, has been broadened to include enforcement.</p> <p>2011 AR: According to the Government: Particular attention has been paid to young people working in farms, as statistics show that New Zealand farmers and growers, and their families, suffer more accidents and illnesses in earning a living. Young people are especially at risk.</p>
		<p>Information/ Data collection and dissemination</p>	<p>2012 AR: According to the Government: The Government continues to take a strategic approach to information sharing and gathering about matters related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138.</p> <p>2011 AR: According to the Government: The Government is taking a strategic approach to information sharing and gathering about matters related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138. The strategic approach involves: (i) Improving promotion on children and young peoples’ employment rights, including through measures such as the new on-line resource <i>My First Job</i>; (ii) Improving the knowledge base for policy development. Work underway includes an analysis of existing research on School Children in Paid Employment, which draws on previously untapped information sources, official statistics, and published research. An output of this work is a report which outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information. This research is available at: http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf; and (iii) Improving engagement with stakeholders. An ongoing process of involving stakeholders in an evaluation of the online resource will raise awareness, improve the content of the resource through insight into the target audiences’ understanding and practice, and improve understanding of the impact of the current regulatory framework.</p>

		<p>According to the NZCTU: It has specifically sought collection and analysis of statistical information disaggregated by age on children and young people's participation in work. To date, statistical information on children's employment is still collected on a grouped, but not age disaggregated basis. The Action for Children in and Youth in AOTEAROA (ACYA) report to the United Nations Committee on the Right of the Child (UNCROC) is also accompanied by a number of working papers, including papers on Employment of Children and Child Poverty and Child Health. ACYA commented on O'Neill's research for the Department of Labour, noting: (i) the estimated number of secondary students in part time work is assessed at over 100,000. ACYA believes that if children of intermediate and primary school age were included as well, the total number of school children could be significantly higher; (ii) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6 year olds working; (iii) 50 per cent of children do not have written employment agreements as required by law; (iv) 7 per cent of children under 16 years of age work between 10 pm and 6 am. This is currently illegal in the absence of an approved Code of Practice; (v) only limited research findings on young children working as contractors and the possible harm they may incur; and (vi) no analysis of Accident Compensation Corporation (ACC) statistics as to accidents and injuries suffered by child workers.</p> <p>Moreover: (1) The estimated number of secondary students in part time work is assessed at over 100,000. ACYA believes that if children of intermediate and primary school age were included as well, the total number of school children could be significantly higher. (2) 46 per cent of those in the surveys aged 13 are in some form of paid work and there is evidence of 6 year olds working. (3) 50 per cent of children do not have written employment agreements as required by law. (4) 7 per cent of children under 16 years of age work between 10 pm and 6 am. This is currently illegal in the absence of an approved Code of Practice. (5) Only limited research findings on young children working as contractors and the possible harm they may incur. (6) No analysis of ACC statistics as to accidents and injuries suffered by child workers. ACC statistics on work-related injuries (in 2006) showed around 300 children under 15 years old visited their local doctor for a work injury. Accident compensation entitlements or rehabilitation assistance, such as physiotherapy subsidies, were paid to around 10 children under 9; around 15 children in the 10-14 age bracket, and between 1,000-2,000 young people in the 15-19 age group.</p> <p>2010 AR: According to the Government: The Department of Labour has gathered information from its Contact Centre and inspectorates about what issues are being raised by young people (and those who make contact on behalf of young people). In 2009 the Department released the first in the National Monitoring Series of labour market reports on Youth Labour Market Outcomes. This provided a 5 year overview of trends for youth in education and employment. The change helps ensure that young people doing contract work have similar protection to young people working as permanent employees. The changes do not affect home occupiers engaging young people for domestic or gardening work in their own homes, and there is a special exemption allowing young contract workers aged 13 and over to use tractors for agricultural work provided they are fully trained or being trained. New policy initiatives that have been announced include the development of specialized trade academies, expanded opportunities for school-based apprenticeships and enhanced trade and technology-based learning opportunities. The Government has also announced its intention to accelerate the introduction of the Youth Guarantee Scheme. This will provide 16 and 17 year olds with an entitlement to free school-level education at a wider range of institutions, including schools, polytechnics, wānanga² and private training establishments or through apprenticeships.</p>
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		<p>According to the NZCTU: The NZCTU agrees with the need to undertake additional research on young people in the workforce both as employees and as contractors. There is a general scarcity of information about the causes and situations of workplace injuries. The Department of Labour has received research indicating significant under-reporting of workplace accidents to young workers. There is also widespread under-reporting of accident compensation claims, particularly in the informal labour market where injuries may be attributed to non-work accidents as a way of the employer avoiding increased ACC premiums. The CTU believes that better information about the extent of children and young people working would help to quantify the highest areas of risk. Such information should be disaggregated and presented in individual year groupings to should which ages are most vulnerable.</p> <p>2008 AR: According to the NZCTU: There is a need for better information on the extent of children's and young people's participation in the labour force. Noting the BNZ suggestion that New Zealand's current laws and practices are broadly compliant with C138 through restricting employment of young people to that which does not interfere with their schooling, the NZCTU calls for better data on the numbers and ages of young workers, and the quantum of hours they work, to verify whether this assumption is accurate. As a starting point, age coding could be combined with other information on tax databases for information about those young people whose tax payments on wages are deducted by employers. The NZCTU recommends that the Government collect data for young workers in one or two year bands rather than grouped into five yearly bands (For example, to collect data on how many <i>eleven and twelve year old</i> children; how many <i>thirteen and fourteen year old</i> children; and how many <i>fifteen year old</i> children.) and also collect information on the hours they work (e.g. per week) to create a more substantive information base. The NZCTU considers it difficult to assess whether New Zealand employment practice complies with C.138 or not, due to a lack of data on children under the age of 15 years in the workforce and the aggregation of workers aged 15 to 19 years.</p> <p>2007 AR: According to the Government: The Department of Labour has completed a review of its data collection methods. Although the reports developed using these new methods have not yet been released, they are not expected to affect the Department's child labour information.</p> <p>According to the NZCTU: The NZCTU is pleased that the Government is taking steps to rectify the lack of disaggregated data. Data like Accident Compensation Cooperation (ACC) statistics give an indication that there are young people injured in the workplace but little other information is known.</p> <p>2006 AR: According to the Government: The Department of Labour has recently tendered work to carry out a stock take on existing data collection methods. Data collection on child labour is covered by this project. The stock take will be completed next year and will be helpful to evaluate and improve data collection methods. The results of the exercise will be included in next year's report.</p> <p>2005 AR: According to the Government: The most recent survey in 2002 was taken from Auckland regional schools, and collected information on the rates of participation in work, rates of pay, nature of work, and extent of employment rights.</p> <p>An analysis of the Christchurch Health and Development Study data show that working while still at school does not have any significant effect (detrimental or beneficial) on academic performance.</p>
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² A type of publicly owned tertiary institution that provides education in a Maori cultural context.

			<p>2002 AR: According to the Government: It undertakes surveys that provide statistical information on the extent and/or nature of child labour; the results of surveys are presented separately by sex and by age (15-19 years).</p> <p>The Government undertook research into options for improving information on youth participation in the labour market.</p> <p>2001 AR: According to the Government: A reporting process has been carried out in order to identify options for improving information on the working patterns of children under the age of 16 years, with a view to undertaking further study of the position of these children in the labour market.</p> <p>2000 AR: According to the Government: The Occupational Safety and Health Service (OSH) database records workplace injuries and deaths that have been investigated by OSH.</p> <p>According to the NZCTU: The NZCTU and the Post Primary Teachers' Association had recently carried out a survey through high schools to look at young people in employment.</p>
	<p>Monitoring, enforcement and sanctions mechanisms</p>		<p>2011 AR: According to the NZCTU: The review of the Approved Code of Practice (ACOP) for Youth (and children) working in the Entertainment Industry was conducted without direct advice to the NZCTU. The NZCTU subsequently requested additional submission time which was then given. The NZCTU understands the finalized Code will address many of the concerns that the NZCTU and other submitters raised over this Code, but this has not yet been released.</p> <p>2010 AR: According to the NZCTU: While Government inspectors are able to respond to complaints, there does not appear to have been any increased vigilance in monitoring this sector in general. The NZCTU welcomed the legislative changes requiring rest and meal breaks, and extending health and safety in employment coverage to self-employed contractors. Many young people are employed as contractors in the distribution sector and there have been reports of unregulated and hazardous work in this sector. Legislation only has value if it is enforced.</p> <p>2008 AR: The Government indicated that the New Zealand Department of Labour had established a Children's Employment Work Programme (CEWP) Advisory Group to oversee the children's employment work programme and any other issues relating to children's employment. The CEWP Advisory group replaced the Child Labour Officials Advisory Committee (CLOAC), which has been in abeyance since 2004. Moreover, it stated that the Advisory Group was in the process of finalising its terms of reference in consultation with tripartite partners and confirming the work programme for 2007/08.</p> <p>According to the NZCTU: As at February 2007, there had been nine people convicted of employing or using prostitutes under the age of 18 as provided by sections 20-23 of the Prostitution Reform Act. The NZCTU notes that the sentences given to those convicted of these offences appear lenient and unlikely to deter further abuse of under-age sex workers.</p> <p>2006 AR: According to the Government: Although New Zealand does not have a minimum age for employment, the measures currently in force in New Zealand do contribute to the protection of children in employment.</p> <p>2003-2005 ARs: According to the Government: Inspection/monitoring mechanisms, penal sanctions and special institutional machinery have been implemented to enforce Minimum Ages for employment.</p> <p>2002 AR: According to the Government: Legal reforms had been implemented to realize the principle and right (PR), whereas inspection/monitoring mechanisms are envisaged.</p> <p>2000 AR: According to the Government: The right to enforce an employment contract through the Employment Tribunal and Employment Court is available to all employees, including children.</p> <p>The Education Act is administered and enforced by the Ministry of Education. A fine of up to \$1,000 may be imposed in relation to a breach of any of the Education Act provisions.</p> <p>The Family Court also provides a formal resolution process and may make a range of orders to protect the child and support care and protection arrangements.</p>

	<p>Involvement of the social partners</p>	<p>2008 AR: The NZCTU notes the Government replacement of the Child Labour Officials Advisory Committee (CLOAC) with a new body, the Children’s Employment Work Programme (CEWP) Advisory Group. CLOAC included representation by NZCTU. Consultation on NZCTU input to CEWP is continuing. The NZCTU understands from discussions with officials that CEWP will include C138 in its work agenda as well as work on C182.</p> <p>2002 AR: According to the Government: The Government's social partners, the NZCTU and NZEF, were being consulted on various issues including those relating to legal reform and inspection/monitoring mechanisms.</p>
	<p>Promotional activities</p>	<p>2012 AR: According to the Government: (i) The final report on School Children in Paid Employment discussed in the 2010 Declaration report has been released. The report outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information. The research is available at: http://www.dol.govt.nz/publications/research/schoolchildren-in-paid-employment/schoolchildren-in-paid-employment.pdf; (ii) The Labour Department also undertook research projects exploring user feedback on the <i>My First Job</i> online resource. The results showed that the site was easy to understand and navigate, and that the content was comprehensive. However, the participants did make a number of suggestions to increase the visual appeal and search-ability, and for further information that could be included. The Department is considering the suggestions to enhance the online resource; (iii) The Department of Labour continues to regularly update the online resource <i>My First Job</i>. The <i>My First Job</i> online resource was discussed in the 2010 Declaration report.</p> <p>2011 AR: According to the Government: The Government is taking a strategic approach to information sharing and gathering about matters related to children and young people and work. The assumption is that improving knowledge and awareness of the rights and practices related to children and young people and employment will improve current practice and also better enable an evaluation of the regulatory framework, including on matters related to the ratification of C.138. The strategic approach involves: (i) Improving promotion on children and young peoples’ employment rights, including through measures such as the new on-line resource <i>My First Job</i>; (ii) Improving the knowledge base for policy development. Work underway includes an analysis of existing research on School Children in Paid Employment, which draws on previously untapped information sources, official statistics, and published research. An output of this work is a report which outlines what we know about the extent of youth employment in New Zealand, the associated conditions, and outcomes and gaps in this information. This research is available at: http://www.dol.govt.nz/consultation/myfirstjob/School-Children-in-Employment-Research-Summary.pdf; and (iii) Improving engagement with stakeholders. An ongoing process of involving stakeholders in an evaluation of the online resource will raise awareness, improve the content of the resource through insight into the target audiences’ understanding and practice, and improve understanding of the impact of the current regulatory framework.</p> <p>According to the NZCTU: The NZCTU has contributed with affiliates to testing the material for <i>My First Job</i>. This is a valuable resource that should be developed further with links to relevant standards and other supporting information. The information should cover the situation of contractors and application of occupational health and safety (OHS) provisions for these workers, particularly in relation to delivery work.</p> <p>2010 AR: The Government is in the process of developing an on-line toolkit on children employment rights and a framework for evaluating the toolkit’s effectiveness. This work is targeted at further improving awareness and enforcing existing children employment rights, and at the same time gathering additional information on the matter to inform future policy development. The approach is intended to engage key players such as schools, unions, employers, child advocates and Department of Labour operational staff. The evaluation will provide a focal point for external advocacy, coordination across stakeholders and information collection. Resulting information and stakeholder engagement should provide a good base, in future, from which to assess the need for any policy or legislative developments to improve the protection of children in employment.</p>

		<p>2009 AR: According to the Government: The Children’s Employment Work Programme (CEWP) has been developed to ensure that children are not subject to exploitation in employment.</p> <p>Highlights of the CEWP include:</p> <ul style="list-style-type: none"> • Raising awareness of regulations and rights with strategic campaigns, networking with youth publications and innovative ways of engaging young people. This has included a ‘clock’ heralding introduction of the minimum wage changes, a comic-style fact sheet, a radio song competition, fact sheets in Maori and Pacific languages, and an interactive forum on the <i>Tearaway</i> youth magazine website. Networking with schools, school publications and stakeholder groups has also taken place; • Monitoring children in work. In mid 2007 the Department released the first of its regular Youth Labour Market Outcomes reports for monitoring children’s participation in work; • Data collection to improve children’s ability to enforce their rights. The Department has gathered information from its Contact Centre and inspectorates about what issues are being raised by young people (and those who make contact on behalf of young people); • Approval was recently given to amend regulations to extend the age-based prohibitions on hazardous work to young people working as contractors, by placing duties on principals similar to those that already apply to employers. Regulatory changes are expected to be made and in force in early 2009. <p>The NZCTU and affiliate unions visit schools and provide young people with information about joining unions, and about young workers’ rights in employment and in the workplace</p> <p>2008 AR: The Government indicated that the Department continues to provide presentations to educational providers and training institutes on workplace employment relations and health and safety fundamentals that are specific to youth workers.</p> <p>Information on youth employment rights is available on the Department’s website at http://www.ers.govt.nz/factsheets/employingchildren.html and http://www.ers.govt.nz/factsheets/youngemployee.html</p> <p>The BNZ indicated that its regional employers’ associations continue to make employers aware of the rights of young people they employ.</p> <p>2007 AR: According to the Government: (i) The Department continues to attend the Coca-Cola Careers Expo where it distributes information targeted at informing young people about their employment rights. The information included wallet sized ‘know your rights’ sheets; and (ii) information on youth employment rights is available on the Department’s website at http://www.ers.govt.nz/factsheets/employingchildren.html and http://www.ers.govt.nz/factsheets/youngemployee.html.</p> <p>According to BNZ: BNZ prepares information for its regional associations on employer obligations under relevant employment legislation, including health and safety legislation. Its regional associations distribute this and other material to their direct employer members and are also active in the presentation of seminar material where employers are made aware of their obligations to all persons they employ, including anyone under the age of 16.</p> <p>2006 AR: The Government continues to carry out a work programme designed to improve knowledge of existing protections for children at work. As part of this programme, the Government has generated promotional material specifically for young employees to learn their employment rights and obligations. These materials, known as ‘wallet cards’ and pamphlets have been distributed by employees of New Zealand’s Department of Labour at various careers exhibitions throughout the country. These exhibitions are attended by young people curious about their future career options after leaving school. The Department of Labour found that the materials were well received by the young people in attendance.</p>
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		<p>2003 AR: According to the Government: The IPEC Programme was to take the form of a Sub-Regional Training Workshop on Ratification/Implementation and Reporting on C.138. The Department of Labour had also taken an active role in promoting awareness. Mediators had undertaken 610 seminars, talks or visits on problem resolution services and other employment related topics. Information officers and labour inspectors had conducted approximately 400 talks or seminars about employment rights and obligations with high schools, tertiary providers, Citizens Advice Bureaus, industry training providers, workplaces, community representatives and employers.</p> <p>2002 AR: According to the Government: Awareness/raising activities were envisaged to realize the PR.</p> <p>2001 AR: According to the Government: The Human Rights Commission undertakes promotional activities in relation to discrimination, and was shortly to run a public education campaign on sexual harassment, which would include sexual harassment of young people in the workplace.</p>
	<p>Special initiatives/ Progress</p>	<p>2011 AR: According to the Government: The Department of Labour has developed a new online resource which promotes the rights of children and young people in relation to work. The <i>My First Job</i> online resource combines information from across government departments relating to children and young persons and employment. It provides information on common issues young people experience in the workplace, and also has advice for parents, guardians, and employers. This will be regularly updated to ensure it remains current.</p> <p>2009 AR: NZCTU reports Government's initiatives that include: (i) Education and Training initiatives; (ii) Income and Improvements; (iii) Improvements in work conditions and status, and information about worker rights</p> <p>2008 AR: The New Zealand Department of Labour has developed a proposal of potential policy options that may ensure full compliance of New Zealand law, practice and policy with the spirit of C.138. The Department of Labour has been engaged in a longstanding process of discussion with the ILO regarding compatibility of its law, policy, and practice with C.138. In April 2007 the Minister of Labour sent the Chairperson of the Committee of Experts on the Application of Conventions and Recommendations a letter outlining New Zealand's law, policy, and practice and requesting the Committee issue a general comment on application of the Convention. Officials are currently waiting for a response to this letter.</p> <p>2005 AR: According to the Government: A number of government initiatives have been developed to provide improved financial assistance and social services to families and also improve health and education outcomes for clients of the Department of Child, Youth and Family Services:</p> <ul style="list-style-type: none"> - The Blueprint Investment Strategy Phase 1 was undertaken to improve health and education services for Department of Child, Youth and Family Services (CYF) clients. - Student Aides: This initiative provides support to maintain CYF clients' attendance, engagement and achievement in mainstream schools through the provision of one-to-one Student Aides in the classroom and, if necessary, in the playground. - The Government is also currently carrying out a work programme to improve knowledge of existing protections for children at work, compliance with children's employment rights, and detection of exploitation when it does occur. - At international level, the Government expresses its intention to renew its assistance to other States and international organizations to combat child labour.

<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2011 AR: According to BNZ: It is important for young people to continue to be able to acquire early experience of paid employment since this is a real help to them when looking for a permanent job. New Zealand is not alone in having a relatively high rate of youth unemployment and a young person with previous experience as a reliable employee will have a head start when it comes to finding work.</p> <p>2010 AR: According to BNZ: Regarding the Government's comment that with the continuing economic recession some young people may be more vulnerable to exploitation, BNZ has its own concerns that the removal of the youth minimum rate and its replacement by a new entrants' rate of limited application has, perhaps unwittingly, contributed to the current high rate of youth unemployment.</p> <p>While government activity to inform young people of their employment rights and obligations is useful, there seems to be less recognition of the part out of school employment can play in helping students of school age achieve the core competencies set out in the new New Zealand school curriculum.</p> <p>2008 AR: According to BNZ: BNZ is concerned about the NZCTU's comments on child poverty which have little if anything to do with the question of whether or not there is an actual minimum age for employment in New Zealand. As BNZ said in 2006, if some children work because of necessity that is not something that would be cured by having an age below which no child could work. It is also the case that while (as the NZCTU recommends) the minimum wage has been increasing, it may be that these increases are having an entirely opposite effect to that intended, keeping beneficiaries in their poverty trap because productivity levels do not reflect the wage payable. With regard to accidents to young people (referred to under the heading 'Exercise of the principle and the right') it needs to be recognized that 'workplace accidents' include such things as drowning in public swimming pools (classified as workplaces although the young person involved was not 'at work') and accidents to children on farms (where the children involved were similarly not 'at work'), which, while not acceptable, very much reflect the amount of farming activity occurring in this country and in no way equating to the lack of an actual minimum age for employment.</p> <p>2007 AR: According to BNZ: There may be some involvement of young persons in prostitution but that is not related to the lack of a minimum age for employment. The provision of commercial sexual service under the age of 18 years is legally prohibited and anyone in receipt of such services, encouraging their provision or profiting from their provision can be subject to a maximum of 7 years' imprisonment. Most young people work to build up their own financial resources or in order to acquire non-essential items that parents may not feel obliged to provide. If there are young persons who work due to household necessity, this is not a situation which a minimum employment age can cure.</p> <p>BNZ agrees with the Government that not all forms of child employment are harmful but instead are socially desirable.</p> <p>2004-2005 ARs: BNZ supported the Government's view that all forms of child employment were not harmful.</p> <p>2002-2003 ARs: According to BNZ: Minimum age for employment would cause problems for many small shop-keepers; other child employees likely to be affected are those who earn pocket money from delivering newspapers, circulars, etc.</p>
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			<p>Amongst the programmes that were cut are the “<i>Innovations Pool for Students At Risk</i>,” and Adult and Community Education (ACE), which funds most night classes for adult recreational and skills education. ACE frequently provides a transition to other education for people who have not completed formal education. There are also cuts to tertiary education including vocational training. These reductions are likely to reduce the accessibility of training and education options for young people. The Government has announced changes to the Immigration Act to enable children illegally in New Zealand to have an application made for a Limited Purpose Permit in order to access publicly funded education, i.e. primary and secondary education at a state school. Currently such children may not be registered at a publicly funded school. In some cases the illegal status is a temporary situation while immigration documentation is completed. This change is a positive move but will need more support to enable young people to participate. The CTU also notes the Government has announced its “intention to accelerate the introduction of the Youth Guarantee Scheme (to) provide 16 and 17 year olds with an entitlement to free school-level education at a wider range of institutions, including schools, polytechnics, wānanga and private training establishments or through apprenticeships”. While the NZCTU welcomes the prospect of more education opportunities for young people, it is concerned there may not be adequate institutional resourcing to support such an extension. Unless funding caps are lifted or additional resources found for tertiary education institutes, the education sector may find it difficult to accommodate additional students.</p> <p>2009 AR: For NZCTU; Health and Safety in Employment is still a serious area of concern.</p> <p>2008 AR: According to the NZTCU: <i>Child Poverty</i>. Research by social justice agency Caritas showed that child poverty in New Zealand leads some children and young people to take up excessive and unsafe work. The NZCTU endorses Caritas’s concern over this problem. Other research by the Ministry of Social Development shows the Government’s Working for Families Programme has reduced the number of families with a working adult facing poverty in 2007. But child advocate agencies report that many beneficiary families are living in poverty. The poorest families are those headed by a sole parent. Children and teenagers from poor families are likely to seek money either for themselves or to help support their family through paid work, regardless of the safety or appropriateness of that work. Child advocates have recommended to the Government that the Working for Families package be simplified to apply to all families with children, and to include those families on a benefit.</p> <p>2007 AR: According to the NZTCU: <i>Child Poverty</i>. Since the 2004 and 2005 reports, there have been both improvements and worsening situations in New Zealand in family poverty from low income through low wages, or through unemployment or health care and reliance on a Government benefit. The recent release by the Ministry of Social Development of the New Zealand “Living Standards 2004: An Overview shows that 8 per cent of the population are categorized as living in “severe hardship”, an increase from 5 per cent in the 2000 reporting period. The proportion of children in severe and significant hardship has risen from 18 per cent to 26 per cent since 2000. See http://www.msd.govt.nz/work-areas/social-research/living-standards/index.html for report. Government agencies are confident that the Government’s Working for Families Budget package is having a positive impact on those low income working families who are receiving the additional financial assistance. Other cost alleviation measures like subsidized medical assistance are also proving helpful. Non-governmental community agencies report, however, that two sectors of their clients are worse off. These are beneficiaries living with children, and beneficiaries who are non-custodial parents.</p>
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			<p>The latter group suffers a reduction in income from deduction of child support payments, and may additionally be paying voluntary contributions directly to their children or former partner. Benefits rates have been reduced from 1 April 2006 as part of Government reform of the benefit system. While those already on a benefit did not get a reduction, new applicants for a benefit are paid at a lower level. With increases in costs of electricity, housing, food and other basics there is a commensurate increase in effective poverty. Child poverty is a motivating factor in children and young people choosing to work, even for very low wages. Many social commentators support an increase in the minimum wage as one step towards addressing poverty. Other commentators focus on measures to help adults off a benefit and into work. In general, the NZCTU supports training and skill development initiatives that will enable adult workers to take up well paid, meaningful work. Community agencies working directly with those on benefits recommend increases in the amount of financial assistance given, with more attention given to actual costs, and a quicker response where circumstances change. The NZCTU sees the benefit system as a temporary safety net for most recipients, and supports measures to ensure that children are not subjected to severe hardship or poverty during the time they are dependent on Government assistance.</p> <p><i>Need for Better Data.</i> The NZCTU is pleased that the Government is taking steps to rectify the lack of disaggregated data. Data like Accident Compensation Cooperation (ACC) statistics give an indication that there are young people injured in the workplace but little other information is known. 2006 AR: According to the NZTCU: The collection of labour statistics needs to be improved to include the collection of disaggregated information relating to the employment and conditions of children and young people, among others.</p> <p>2005 AR: According to the NZTCU: (i) few statistics are collected about the work activities of child and youth workers; few health and safety guidelines and codes of practice specifically for young people; (ii) students from lower socio-economic and younger age group are more likely to be working to supplement the family income; (iii) 57 per cent of young prostitutes were known to have come from poor or very poor families.</p> <p>2002-2003 ARs: The NZCTU noted the inadequacy of current information on youth participation in the labour market. It also indicated that children of school-going age should not be in a situation where they need to work in order to support themselves or others financially.</p> <p>2000 AR: The NZCTU raised the following observations: (i) the failure of the New Zealand Government to ratify C.138 shows a failure to recognize the principle of the effective abolition of child labour; (ii) the New Zealand Household Labour Force Survey does not cover children under 15 years old; and (iii) the Labour Inspectorate is now operated primarily as an information service with a very low number of inspectors.</p>
	<p>According to the Government</p>	<p>2012 AR: According to the Government: There is a need to improve knowledge and awareness of the rights and practices related to children and young people.</p> <p>2010 AR: According to the Government: The Government has decided not to raise the age threshold from 15 to 16 for working in a number of sectors considered hazardous such as construction, logging and tree-felling operations. But the Department of Labour is looking at non-regulatory options to ensure the protection of young people under the age of 16 from hazardous work through developing practice guidelines and information. The Department of Labour is continuing to investigate workplace practices relating to persons between 16 and 18 years of age engaged in hazardous work. This work also includes reviewing literature containing experts' views on children's development, and their physical and psychological limits in relation to work. With the continuing economic recession, some young people may be more vulnerable to exploitation as they are competing on the job market for fewer jobs, against more experienced and skilled workers.</p>	

		<p>2008-2009 ARs: The Government reiterated the fact that all forms of child labour are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking. The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility.</p> <p>2007 AR: According to the Government: The Department of Labour has completed a review of its data collection methods. Although the reports developed using these new methods have not yet been released, they are not expected to affect the Department's child labour information.</p> <p>The Government further stated the following: (i) The Government does not believe that all forms of child employment are harmful. While restrictions exist on the employment of young persons (mainly in education and occupational safety and health legislation), there is a long-established practice of the employment of children in a range of work, including newspaper rounds and fruit picking; The Government considers that the employment of children in this type of work is not harmful, and indeed is socially desirable, since it prepares them for independence and greater responsibility; (ii) There has been no new relevant legislation passed since 2005 save for Minimum Wage Order 27 March 2006. For persons 16 or 17 years old, the minimum wage is NZ\$8.20 per hour, and for a person who is aged 18 or over, the minimum wage is NZ\$10.25 per hour. The Code of Good Faith was amended to take account of the Employment Relations Act (No. 2) 2004, and came into force on 11 August 2005.</p> <p>2006 AR: In response to the NZCTU observations, the Government mentioned that the Department of Labour had recently tendered work to carry out a stock take on existing data collection methods. It indicated that data collection on child labour was covered by this project. The stock take would be completed next year and would be a helpful tool to evaluate and improve data collection methods. The results of the stock take would be included in next year's report.</p>
TECHNICAL COOPERATION	Request	<p>2009-2012 ARs: According to the Government and the NZCTU: Comments are the same as under the 2008 AR.</p> <p>2008 AR: According to the NZTCU: The NZCTU notes that it may be helpful to the New Zealand situation if the ILO provides technical assistance to develop draft minimum age for employment legislation that is consistent with the aims of the United Nations Convention on the Rights Of the Child and C.138 and suits the national circumstances in New Zealand (i.e. legislation that would restrict the employment of young people from 13 to 15 years to light work as described in article 7 of the C.138, and would set the standard minimum age of employment at 16 years for other work.).</p>
	Offer	<p>ILO/IPEC.</p> <p>2005 AR: At international level, the Government expressed its intention to renew its assistance to other States and international organizations to combat child labour.</p>

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were concerned that few governments, such as New Zealand (and three other governments), had indicated their current lack of effort to ratify C.138 and/or C.182. They recalled the following: “(...) in last year’s Introduction we noted remarks from some constituents (the governments of Australia and New Zealand and Business New Zealand – BNZ) concerning the potentially negative effect of ratifying Convention No. 138 for young persons to enter the labour market. We pointed out that these concerns can be adequately addressed through the various possibilities inherent in the principle, for instance light work, or vocational training and apprenticeship. It is crucial to discuss this in tripartite consultation in each country, and we note that both of the social partners in New Zealand are commenting on this issue: while BNZ opposes the ratification of Convention No. 138, the New Zealand Confederation of Trade Unions (NZCTU) recommends ILO assistance to seek possible legislative action to allow light work from 13 years of age and set the general minimum age at 16 years, in line with Convention No. 138. We hope there will be continued efforts by the Office and, in particular, the International Programme on the Elimination of Child Labour (IPEC) on this issue.” (cf. paragraph 57 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed New Zealand among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, preventive, enforcement and sanctions mechanisms and/or ratification. Furthermore, the ILO Declaration Expert-Advisers stated they hoped that the momentum of the positive dialogue on the realization of the PR would be kept, and the intention to ratify C.138 would be realized soon in New Zealand. They also mentioned the following: “Australia, New Zealand and the United States have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. It is important to maintain a continuity of social programmes to combat child labour. Once programmes are interrupted, it is difficult to maintain the momentum. The sustainability of such programmes will be enhanced with the active support of employers’ and workers’ organizations” (cf. paragraphs 13 and 234 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SAINT LUCIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, but NOT for the 2000, 2001, 2004 and 2006-2011 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to Government: Involvement of the St. Lucia Employers' Federation and the St. Lucia Seamen Waterfront; General Workers' Trade Union; the Chamber of Commerce and Industry of Saint Lucia and the Committee of Workers of Saint Lucia through communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2008 AR: Observations by the Saint Lucia Employers' Federation (SLEF).	
	Workers' organizations	2008 AR: Observations by the General Workers' Trade Union (GWTU) and the Saint Lucia Civil Service Association (SLCSA).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Saint Lucia ratified in 2000 of the Worst Forms of Labour Convention, 1999 (No. 182) (C.182). However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138). <i>Saint Lucia ratified the United Nations Convention on the Right on the Child (CRC) in 1993.</i>
		Ratification intention	YES, since 2002. 2012 AR: According to the Government: Saint Lucia anticipates ratifying C.138 after the new Labour Code takes effect. 2008 AR: The Government indicated its intention to ratify C.138 once the 2006 Labour Code would be adopted in conformity with C.138. 2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO.
		Policy, legislation and/or regulations	<p>2012 AR: The Government stated that the Labour Code had basically given effect to the provisions of C.138.</p> <p>2008 AR: According to the Government: The 2006 Labour Code prohibits employment of children aged 15 and under (section 122). The Education Act No. 41 of 1999 (sections 27 and 47) makes it an offence to employ a child of compulsory school age (5 to 15 years).</p> <p>The Labour Code has not entered into force yet. Therefore, the Employment of Women, Young Persons and Children (chapter 100) – which: (i) defines a child as a person under the age of 14; and (ii) prohibits its employment only in industrial undertakings is still in force.</p> <p>Moreover, the Government declares that its education policy on compulsory education (from 5 to 15 years of age) and its policy of universal secondary education (between 12-17 years of age) contribute to the realization of the PR.</p> <p>2002-2005 ARs: According to Government: The Government’s Education Sector Development Plan for 2000-2005 promotes the principle and right (PR). The Government also states that the Labour Code, which is currently in draft form, will re-emphasize its policy on child labour (section B 81).</p>
		Basic legal provisions	(i) The Education Act No. 41 of 1999; (ii) The Employees (Occupational Health and Safety) Act; and (iii) Employment of Women, Young Persons and Children, Saint Lucia Revised Ordinances of 1957.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory Education	YES, the age of both girls and boys at the end of compulsory schooling is 15 years.
	Minimum age	<p>2008 AR: According to the Government: section 122 of the Labour Code prohibits the employment of children under the minimum school leaving age, with the following exceptions: (i) job training; (ii) community services outside school hours; and (iii) work done in technical schools or by members of a recognized youth organization outside of school hours, for the purpose of raising funds. However, pending the entering into force of the Labour Code, 2006, the Employment of Women Young Persons and Children, chapter 100, is still in force and forbids the employment of a child i.e. a person under the age of fourteen years in any industrial undertaking.</p> <p>2002-2005 ARs: The general minimum age for admission to employment or work is 14 years for both boys and girls.</p> <p>The general minimum age for admission to employment covers family and small scale agriculture; it does not cover the following types of work: work performed in a family-owned or operated enterprise; work performed in enterprises below a certain size; home work; domestic service; self-employed work; commercial agriculture; light work; and work performed in export processing zones.</p>	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum age	Hazardous work: No definition. However, the Employees' (Occupational Health and Safety) Act, section 23, prohibits persons under the age of 18 years from engaging in industrial work (examples of industrial undertakings are provided for in the schedules of the legislation).
		Worst forms of child labour	C.182 is ratified.
		Special attention to particular situations	2012 AR: According to the Government: The Department of Human Services is engaged in public education and advocacy on the rights of children, with emphasis on sexual abuse of children. The Government has ensured there is sufficient access to secondary schools by school aged children. The Ministry of Education puts measures to help marginalised children or those at risk of dropping out of school.
		Information/ Data collection and dissemination	2008 AR: According to the Government: The national database on child labour has not been developed. There is still a need for further publicity of the issue by the Ministry of Labour. The Ministry of Education's policy of monitoring of secondary schools helps. Also, counselors at schools treat cases of truancy with seriousness. However, the Ministry of Education is preparing to undertake a study on student drop outs. This should provide information about any connection between child labour and school absenteeism. 2005 AR: According to Government: A national database is being developed to identify children at risk. 2002 AR: According to Government: information on the sanctions applied to users of child labour and officially recorded.
	Prevention/Monitoring, enforcement and sanctions mechanisms	2012 AR: According to the Government: The Ministry of Education puts measures to help marginalised children or those at risk of dropping out of school. 2008 AR: According to the Government: The Department of Human Services investigates cases of children at risk i.e. in abusive situations. Moreover, workplace inspections are carried out by the Department of Labour. 2002-2005 ARs: According to Government: Formal inspection visits by the Labour Department look for infringements of the law on work of young persons. The Department of Human Services monitors reported instances of child labour.	
Involvement of the social partners	2002-2005 ARs: According to Government: Social partners are in a tripartite task force to draft the new Labour Code.		
Promotional activities	2012 AR: According to the Government: The Department of Human Services is engaged in public education and advocacy on the rights of children, with emphasis on sexual abuse of children. The Government has ensured there is sufficient access to secondary schools by school aged children. 2008 AR: The Government indicated that there were no new activities organized supplementing the financial resources of families in need, apart from the one undertaken by the Department of Human Services. 2005 AR: According to Government: The Department of Human Services provides educational assistance in the form of stipends, uniforms and other subsidies. There is also a school-feeding program. The Government also states that it is also organizing awareness raising/advocacy activities on the PR.		
Special initiatives/Progress	NIL.		

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2008 AR: According to the SLEF: SLEF is not aware of the existence of child labour in the country. However, there are cases where children help their family out during holidays and on weekends.
		Workers' organizations	2008 AR: According to the GWTU: some cases of child labour exist to some extent in the informal economy, where children are expected to help out their family after school or on weekends. The SLCSA added that child labour is not an issue in the country anymore due to the decline of the banana sector and the importance put on education. However, during Summer and Easter vacations, children can be seen along the roadsides selling craft items to tourists.
	According to Government		2012 AR: According to the Government: If Child labour exists the Government suspects that it may be in a very clandestine form. 2008 AR: According to the Government: The 2006 Labour Code has not entered into force yet and legislation not complying with international labour standards is still applicable. The Department of Labour is not certain of the existence of child labour. Therefore, the main challenge is to ascertain its existence through solid research and statistical analysis. 2002-2005 ARs: According to Government: Child labour is an issue in the informal economy. There is also a mismatch between the minimum age for admission to employment (14) and the compulsory school leaving age (15), which the new Labour Code will address by prohibiting the employment of children who have not completed 15 years of age.
TECHNICAL COOPERATION	Request		2012 AR: According to the Government: Technical assistance is needed to undertake a study to pinpoint any forms of child labour. 2008 AR: The Government required assistance from the ILO for carrying out the following: (i) a case study on child labour to be validated by a seminar on its follow-up, in collaboration with employers' and workers' organizations; and (ii) capacity building and training of labour officials. 2005 AR: According to Government: There is a need for technical cooperation with the ILO to assist in the realization of the PR in the following areas, by order of priority: (1) Training (sensitization of government officials on issues of child labour); (2) raising awareness of situations that could lead to involvement of children in work; (3) Data collection: improvement of the documentation on child labour; (4) Assistance in policy-making and the setting up of a national database concerning children at risk
	Offer		ILO.



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SAUDI ARABIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, except for the 2001 and 2003 Annual Reviews (ARs). No change reports under the 2004, the 2009-2011 ARs.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Employer representative of the Council of Saudi Chambers of Commerce and Industry (SCCI), the Jeddah Chambers of Commerce and Industry (JCCI), the Chairman of the Aramco Workers' Committee (AWC) and the Chairman of the Saudi Telecom Workers' Committee (STWC) through communication of Government's reports. In 2010-2011 the STWC was replaced by the National Workers' Committee (NWC). 26 Committees are operating under the NWC, organized by company level. The future structure of the NWC aims to be organized by sector.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the JCCI. 2010 AR: Observations by the SCCI. 2008 AR: Observations by the SCCI. 2007 AR: Observations by the SCCI.	
	Workers' organizations	2012 AR: Observations by the NWC. 2008 AR: Observations by the Saudi Telecom Worker's Committee (STWC). 2007 AR: Observations by the Aramco Workers' Committee (AWC). Observations by the Saudi Telecom Workers' Committee (STWC).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Saudi Arabia ratified in 2001 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	YES since 2002, for C.138. 2012 AR: The Government indicated that it was finalizing the ratification process of C.138 in consultation with the social partners. The JCCI expressed support for progressive ratification of C.138. According to the NWC: NWC strongly supports the ratification of C.138 by Saudi Arabia. Discussions on determining the minimum age are currently taking place in the Parliament. The Government and employers have both expressed their position against child labour, however the exact minimum age for admission to employment or work is still being debated.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

			<p>2008 AR: The Government reiterated its intention to ratify C.138. The SCCI and the STWC expressed their support to the ratification of C.138.</p> <p>2007 AR: The AWC and the STWC supported ratification of C.138 by Saudi Arabia.</p> <p>2005 AR: the Government indicated that it was carefully considering ratification of C.138.</p> <p>2001 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL.	
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Legislation: The Labour Law. • Regulations: The Labour Minister's Decree No. 1/738, of 16/5/1425[2004]. 	
	Basic legal provisions	(i) The Labour Law; (ii) the Labour Minister's Decree No. 1/738, of 16/5/1425 (4/7/2004) (prohibition of the employment of children or their exploitation, and all forms of human trafficking).	
	Judicial decisions	NIL.	
	Compulsory education	NIL.	
	Minimum Age	2002 AR: General minimum age for admission to employment or work: 13 years for both boys and girls.	
Exercise of the principle and right	Minimum Age	<p>The general minimum age for admission to employment for both girls and boys is 13 years. This general minimum age is recognized for the following types of employment: work in all enterprises; light work and work performed in export processing zones. It does not cover: work in a family-owned or family-operated enterprise; homework; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; and other types of work.</p> <p>Hazardous work: minimum age of 18 years for both boys and girls</p> <p>Hazardous work is defined in the legislation. Ministerial Decree No. 435 of 4.11.1404 (1983) determines the types of work and occupations in which workers are exposed to lead poisoning.</p>	
	Worst Forms Child Labour	C.182 has been ratified.	
	Special attention to particular situations	2012 AR: The Government indicated that it was paying special attention to the rehabilitation of child migrant beggars, coming especially from Yemen.	
	Information/ Data collection and dissemination	NIL.	

	Monitoring, enforcement and sanctions mechanisms	2005 AR: According to the Government: Regular inspection visits of all enterprises in the country are undertaken by labour inspection to ensure compliance and total exclusion of child labour.	
	Involvement of the social partners	2012 AR: According to the JCCI: A social dialogue meeting was held at the International Labour Conference on June 13, 2011 between tripartite partners and the ILO. The NWC expressed its wish to create and participate in social dialogue concerning ratification of C.138.	
	Promotional activities	2012 AR: The Government is currently fighting against the scourge of child beggars through rehabilitation, social reintegration and sanctions to adults behind these activities. 2012 AR: According to the NWC: At this stage, the NWC is not undertaking any promotional activities but wishes to build the capacity to promote decent work for youth and to address youth employment in order to avoid situations of child labour and youth being in desperate situations. 2007 AR: According to the Government: Some activities were organized to promote the ILO Declaration in the country. The Government also mentioned its participation in the ILO/Gulf Cooperation Council (GCC) on the Declaration Follow-up organized in Kuwait City in April 2006. It also took part in workshops on small and medium enterprises (SMI) held in Oman in 2006. The AWC and the STWC mentioned their participation in this ILO/GCC workshop.	
	Special initiatives/Progress	2012 AR: According to the Government: A Royal Decree has been recently adopted to protect the rights of the child. Moreover, the Government is taking action against child beggars, in particular through their rehabilitation and social reintegration, but also through the imposition of sanctions against adults organizing such activities. According to the JCCI: The Government, together with employers and workers, will be making gradual transition by involving the NGOs, academics, experts or religious groups in national dialogue. 2004 AR: According to Government: One of the main measures taken in Saudi Arabia regarding the elimination of child labour is prohibiting children (under the age of 18) from camel riding and participating in camel races.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2012 AR: According to the JCCI: The main challenge is beggars from Chad, Yemen, Myanmar and Afghanistan mainly found in Mecca, Medina, and Jeddah after the pilgrimage. 2010 AR: According to the SCCI: Child labour is contrary to Islam and is therefore not practiced in the country. Moreover, the main challenge for Saudi Arabia consists in the abandoned children who are left behind as beggars by their parents after the pilgrimage.
		Workers' organizations	2012 AR: The NWC mentioned the need to determine the minimum age for admission to employment or work in the country followed by relevant legal amendments.
	According to the Government	2012 AR: According to the Government: Child labour is not an issue in Saudi Arabia, except for some cases of child migrant beggars, especially from Yemen. 2000-2005 ARs: According to the Government: Child labour does not exist in the country.	

TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government and the JCCI: The ILO support is needed to reinforce social dialogue in Saudi Arabia, including on the fight against child labour.</p> <p>The NWC requested the ILO to support long term change by sensitizing people about the definition of child labour, as well as the damages it causes. The NWC also requested ILO support in creating the right conditions for the implementation of the PR before the Government finalizes the ratification process.</p> <p>2007-2008 ARs: The Government, the SCCI and the AWC mentioned the need for ILO technical cooperation to promote the Declaration's principles and rights (PRs) in the country.</p>
	Offer	ILO
EXPERT-ADVISERS' RECOMMENDATIONS/OBSERVATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as the Gulf States (as well as China and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. They also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Saudi Arabia, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Saudi Arabia, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (cf. paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The IDEAs noted with interest the continuing efforts made by the countries of the Gulf Cooperation Council (cf. paragraph 148 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs noted that the GCC States had been providing more information on freedom of association and the right to collective bargaining, but not enough on the other three PRs. This would help to illustrate the link between all four PRs (cf. paragraph 85 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended Saudi Arabia and other GCC States for their continuing dialogue with the Office through the annual review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p> <p>2002 AR: The IDEAs acknowledged the high-level dialogue and agreement on a plan of activities between the Office and the GCC Governments, including Saudi Arabia (cf. paragraph 82 of the 2002 Annual Review Introduction – ILO: GB.283/3/1).</p> <p>2001 AR: The IDEAs hoped in particular that the governments of GCC countries would continue a dialogue with the Office regarding the ways in which respect for fundamental principles and rights at work and positive changes could be achieved through technical cooperation (cf. paragraph 77 of the 2001 Annual Review Introduction – ILO: GB.280/3/1).</p>	
GOVERNING BODY RECOMMENDATIONS/OBSERVATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SOLOMON ISLANDS

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , but only under the 2006, the 2008, 2009 and the 2012 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to Government: Involvement of the employers' organizations (the Solomon Islands Chamber of Commerce and Industry (SICCI); the Solomon Islands Chinese Association (SICA); the Solomon Islands Indigenous Business Association (SIIBA); the Solomon Islands Women in Business Association (SIWIBA); the Association of Solomon Islands Manufacturers (ASIM); the Solomon Forestry Association (SFA)) and workers' organizations (the Solomon Islands Council of Trade Unions (SICTU); the Solomon Islands Public Employees' Union (SIPEU); the Solomon Islands National Union of Workers (SINUW); and the Solomon Islands National Teachers' Association (SINTA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA. 2009 AR: Observations by the ASIM. 2008 AR: Observations by the SICCI. 2006 AR: Observations by SICCI, SICA, SIIBA, SIWIBA, ASIM and SFA.	
	Workers' organizations	2012 AR: Observations by the SICTU, the SIPEU, the SINUW and its 10 affiliates, and the SINTA. 2009 AR: Observations by the SICTU. 2008 AR: Observations by the SICTU (SINUW) and its 10 affiliates. 2006 AR: Observations by SICTU, SIPEU, SINUW and SINTA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Solomon Islands has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, Solomon Islands ratified in 1995 the United Nations Convention on the Right on the Child (CRC).

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

		<p>Ratification intention</p>	<p>YES, in process since 2007 for both C.138 and C.182.</p> <p>2012 AR: According the Government: As previously mentioned by the Government, ratification of all unratified ILO fundamental Conventions (7 out of 8), including C.105, has been approved by Cabinet since 17 May 2007. Since Cabinet is the National Authority to approve ratification, the Government will process soon the instruments and other necessary documents to ILO for final registration.</p> <p>The representative employers' organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) and workers' organizations (i.e., the SICTU, the SIPEU, the SINUW and the SINTA) made a common pledge to urge the Government to speed up the communication process of these ratifications to the ILO.</p> <p>2009 AR: The Government reiterated its previous position.</p> <p>ASIM is in support of C.138 and C.182, but held that the development of basic infrastructural facilities top the list of needs as it relates to CL.</p> <p>SICTU still in support of the Government's position.</p> <p>2008 AR: According to the Government: As a result of ILO technical assistance in 2005 the Cabinet approved on 17 May 2007 the ratification of C.138 and C.182 and other ILO fundamental Conventions in consultation with employers' and workers' organizations. The Government intends now to bring national legislation into compliance with the ILO fundamental Conventions in consultation with the social partners and in cooperation with the ILO.</p> <p>The SICCI expressed its support to the ratification of C.138 and C.182.</p> <p>According the SICTU: The Letter of Intent concerning the ratification of the remaining seven remaining ILO fundamental Conventions was presented by the Government during the Celebration of the 30 years of ILO Presence in the Pacific in Suva (Fiji). The Government should thus finalize this ratification process in cooperation with the ILO.</p> <p>2006 AR: The Government indicated that it had the intention to ratify C.138 and C.182, and that it was initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance national laws with the principle and right (PR). It also appreciated the employers' and workers' organizations' (ASIM, SFA, SICCI, SIIBA, SIWIBA, SICA, SICTU, SINUW, SINTA and SIPEU) support for the ratification of all ILO fundamental Conventions not ratified by Solomon Islands. In this respect, it requested ILO technical assistance on the Declaration and standard-related issues and for capacity building in reporting.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>NO.</p>
		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2006 AR: According to the Government: There is a national policy/plan aimed at ensuring the effective abolition of child labour in Solomon Islands. The National Advisory Council on Children (NACC) is developing this policy under the CRC. In addition, a legislative reform is in process since 2000 through the formulation of the Protection of the Rights of the Child Bill, 2000 and the Rights of the Child Convention Bill, 2004. They will be soon subject to a wider national consultation that will involve employers' and workers' organizations. Meanwhile, the Ministry of Education has made entry from primary into secondary education automatic for all.</p>

			<ul style="list-style-type: none"> • Legislation: <p>2008 AR: Government has received the draft of the Industrial Relations Law elaborated in consultation with the social partners and the ILO. It intends to organize very soon a national tripartite workshop on labour law review in cooperation with the ILO. Regarding the Protection of the Rights of the Child Bill, the Government indicated that no further development had been made.</p> <p>2006 AR: The relevant legislation regarding this principle and right is found in the Labour Act (Cap. 73), 1960 (as revised in 1998), sections 46-63, and provides for minimum ages for admission to employment ranging from 12 (with exceptions) to 18 depending on the type of the work. Moreover, A Protection of the Rights of the Child Bill, 2000 will be soon subject to a wide national consultation.</p>
		Basic legal provisions	(i) The Labour Act (Cap. 73), 1960 (sections 46-63); (ii) The Protection of the Rights of the Child Bill, 2000 (to be adopted).
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES. 2012 AR: According to the Government: Compulsory education has been adopted by law since 2009, and implemented since 2010 with a government subsidy to make primary and secondary education almost free.
		Minimum age	2006 AR: General minimum age for admission to employment or work: 15 years for both boys and girls, that does cover neither light work nor hazardous work (18, with several exceptions). Moreover, of the Labour Act (Cap. 73), 1960 (sections 46 and 54) provides for possibilities to work under the age of 12, under certain cover conditions. Hazardous work: not defined.
		Worst forms of child labour	No specific laws or regulations, however: 2006 AR: The Government indicated that steps were being taken to modify existing legislation or introduce new legislation to address the elimination of any of the worst forms of child labour. According to Government: Worst forms of child labour such as, sale and/or trafficking, do not exist in Solomon Islands. However, it is not known whether debt bondage, serfdom, forced or compulsory labour and other forms of child labour are in existence. It is believed or suspected that prostitution, pornography (a one-off case only), illicit activities, in particular production and drug trafficking do exist amongst girls only. Moreover, it is also believed or suspected that forced recruitment for armed conflict existed during the period of conflicts between 2000 and 2003.
		Special attention to particular situations	NO.

		<p>Information/ Data collection and dissemination</p>	<p>2006 AR: According to the Government: The Government occasionally undertakes surveys with regards to statistical information on the extent and/or nature of child work and the last one was carried out in 2004. A situation analysis on women, youth and children has been carried out in 2004, and the labour law reform process will take into account the need for special protection of children against the worst forms of child labour. Moreover, a survey on children's commercial exploitation and child sexual abuse has been completed in 2004 in cooperation with UNICEF. Finally, a global survey on violence against children is being finalized in cooperation with UNICEF and World Vision. The results are presented separately by sex, age, occupation, type of activity and number of working hours. However, these general surveys need to be developed in terms of analysis and data collection.</p> <p>In the last population census, held in 1999, the lowest age of persons for whom questions were asked about economic activity was 14 years.</p>
	<p>Monitoring, enforcement and sanctions mechanisms</p>		<p>2012 AR: The Government indicated that labour inspections were being carried out to monitor the implementation of the PR, but no cases of child labour were reported.</p> <p>2009 AR: According to the Government: A desk officer has just been recruited by the Ministry of Labour that is charged with the responsibility of following up on ILO labour standards as well as the promotion of CL.</p> <p>2008 AR: According to the Government and the SCCI: a new Ministry for Women, Youth and Children Affairs was created in April 2007. This Ministry is currently putting together its national cooperate plan; a national workshop will be held in June 2008.</p> <p>2006 AR: According to the Government: the following measures are envisaged to enforce the minimum age for admission to employment and eliminate the worst forms of child labour: (i) legal reform and (ii) inspection/monitoring mechanisms.</p>
	<p>Involvement of the social partners</p>		<p>YES.</p> <p>2012 AR: The Government indicated that employers' and workers' organizations were being involved in the labour law reform process.</p> <p>2006 AR: According to the Government: A labour law reform is being initiated in association with the social partners.</p>
	<p>Promotional activities</p>		<p>2012 AR: According to the Government: A tripartite National Labour Advisory Board (NLAB) has been set up since 2010, and will be operational by 2012 as it is also a government priority. National laws are currently being reviewed, in consultation with the employers' and workers' organizations and with ILO technical support, so as to bring them into compliance with the Declaration's principles and rights. In terms of operational activities, weekly government awareness-raising radio programmes (15 minutes) on labour standards, including the FPRW are being organized by the Government since 2009, except for 2011, due to budget constraints. Awareness raising activities are also organized on May 1st, in cooperation with employers' and workers' organizations. In terms of training, the Labour Department and the employers' and workers' organizations have been sensitized on the FPRW and reporting issues during a mission of an ILO official in September 2011.</p> <p>2009 AR: According to the SICTU: Workshops on the PR are organized.</p> <p>2008 AR: The SICCI stated that Labour Day celebrations are organized but more substantial promotional activities should be carried out.</p> <p>2006 AR: According to the Government: Various surveys have been carried in 2004: (i) a national situation analysis on women, youth and children; and (ii) a survey on children's commercial exploitation and child sexual abuse, in cooperation with UNICEF.</p>

	Special initiatives/Progress	<p>2012 AR: According to the Government: Compulsory education has been adopted by law since 2009, and implemented since 2010 with a government subsidy to make primary and secondary education almost free. Therefore, since 2010, school attendance has raised tremendously as poor parents can now afford sending their children to school, contrary to the previous period where schooling was not compulsory and costly.</p> <p>2008 AR: The Government provided financial assistance to the national celebration of Labour Day. Activities included awareness raising programmes on the FPRW, including radio broadcasting. Furthermore, a weekly radio programme on the FPRW is being broadcasted.</p> <p>2006 AR: According to the Government: (i) the Government intends to ratify C.138 and C.182; and (ii) the Government is currently initiating a labour law reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of C.138 and C.182.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: The representative employers' organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) mentioned a lack of tripartite capacity on standard-related issues (international and national labour standards and the FPRW).</p> <p>2009 AR: According to ASIM: A change in government attitude is needed for an equitable distribution of resources for the actualization of child labour.</p> <p>2008 AR: The SICCI indicated that the Government lacked capacity in the monitoring and enforcement of the law.</p> <p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <ul style="list-style-type: none"> – SFA: Free, compulsory and quality education need to be guaranteed and enforced to enable adequate recognition of the PR in the Solomon Islands. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) lack of free and compulsory education; (ii) lack of social dialogue; (iii) inadequate labour laws; (iv) lack of public awareness; and (v) some cases of child prostitution and the phenomenon is growing; – SICA: Compulsory education and poverty reduction need to be realized in order to avoid child labour in the Solomon Islands. The main obstacles that have been encountered in the realization of this principle and right are as follows: (i) poverty; (ii) lack of adequate legislation; (iii) lack of information and data; (iv) lack of public awareness raising; (v) some cases of child prostitution; and (vi) lack of ILO support and technical cooperation programmes; – SIWIBA: Compulsory education and poverty reduction need to be realized in order to avoid child labour in the Solomon Islands. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) lack of compulsory education; (ii) poverty; (iii) lack of income generation programmes to alleviate poverty; (iv) lack of public awareness and support on the PR; and (iv) Primary and high school children, mostly girls are involved in child prostitution, drug and crime activities. Unfortunately, this scourge is moving to a large scale in the country; – SICCI: Poverty needs to be reduced in order to avoid child labour Solomon Islands. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) poverty; (ii) lack of adequate basic education and skill development; (iii) lack of adequate legislation; (iv) lack of information and data; (v) lack of public awareness on the PR; (vi) some cases of child prostitution; and (vii) lack of ILO support and technical cooperation programmes to alleviate poverty in Solomon Islands;

			<ul style="list-style-type: none"> - ASIM: The PR is not recognized in Solomon Islands because of unemployment and its effects. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) high rate of unemployment; (ii) lack of employment creation incentives and financial assistance; and (iii) prostitution, which also growing among girls; - SIIBA: The PR is not realized in the Solomon Islands because of poverty and lack of free and compulsory education and inadequate laws. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) poverty; (ii) inadequate enforcement of legislation; lack of expertise of the Labour Division; (iii) lack of information and data collection; and (iv) lack of ILO support and technical cooperation programmes.
		<p>Workers' organizations</p>	<p>2012 AR: The representative workers' organizations (i.e., the SICTU, the SIPEU, the SINUW and the SINTA mentioned a lack of tripartite capacity on standard-related issues (international and national labour standards and the FPRW.</p> <p>2009 AR: According to SICTU: There is a need to review national laws concerning the PR.</p> <p>2008 AR: The SICTU and SINUW mentioned the same challenges raised under the 2006 AR.</p> <p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <ul style="list-style-type: none"> - SIPEU: Free and compulsory education needs to be guaranteed and enforced to enable adequate recognition of this PR in Solomon Islands. The main obstacles that have been encountered in realizing the PR in Solomon Islands are as follows: (i) lack of free and compulsory education; (ii) inadequate legislation; (iii) lack of information and data; (iv) lack of capacity of Government and employers' and workers' organizations; (v) lack of social dialogue; (vi) some cases of child prostitution and involvement in drug and crime activities; and (vii) lack of ratification of C.138 and C.182; - SINTA: Free and compulsory education needs to be guaranteed and enforced to enable adequate recognition of this PR in Solomon Islands and SINTA supports the ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) by the Solomon Islands. The main obstacles that have been encountered in realizing the PR in Solomon Islands are as follows: (i) lack of free and compulsory education; (ii) lack of income generation programmes to alleviate poverty; (iii) lack of public awareness and support on the PR; and (iv) primary and high school children, mostly girls are involved in child prostitution, drug and crime activities. Unfortunately, this scourge is moving to a large scale in the country; - SICTU and SINUW: Free and compulsory education needs to be guaranteed and enforced to allow adequate recognition of this PR in Solomon Islands. The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) lack of free and compulsory education; (ii) poverty; (iii) inadequate legislation; (iv) lack of information and data; (v) lack of compulsory education; (vi) lack of income generation programmes to alleviate poverty in Solomon Islands; (vii) lack of public awareness and support on the PR; and (viii) child prostitution and involvement in drug and crime activities. This phenomenon is growing to a large scale.

	According to the Government	<p>2012 AR: Family welfare should be raised to an affordable living standard and decentralized to avoid child labour in the country.</p> <p>2009 AR: According to the Government: The main challenge facing the ratification of C.138 and C.182 is its presentation before Parliament.</p> <p>2008 AR: The Government reiterated the same challenges mentioned under the 2006 AR. It added that the Labour Division lacked capacity to carry out its monitoring role to operate and report effectively to the ILO.</p> <p>2006 AR: The main obstacles that have been encountered in the realization of the principle of the effective abolition of child labour are as follows: (i) High poverty rate; (ii) lack of compulsory schooling age; (iii) lack of awareness of the issue of child labour and its effects on the victims, the families and the country in general; and (iv) inadequate legislation on minimum age for admission to employment or work.</p>
TECHNICAL COOPERATION	Request	<p>2012 AR: The Government believed that the implementation of an IPEC Programme, which it had been requesting for several years, would significantly help raise living standards in Solomon Islands and thereby fight against poverty and child labour. It further reiterated its request for ILO's technical cooperation to strengthen the capacity of the Labour Division and employers' and workers' organizations on international labour standards and the fundamental principles and rights at work (FPRW).</p> <p>The representative employers' organizations (i.e., the SICCI, the SICA, the SIIBA, the SIWIBA, the ASIM and the SFA) and workers' organizations (i.e., the SICT, the SIPEU, the SINUW and the SINTA) made a common pledge to support the Government's request and mentioned the following: There is a need for capacity building of the Labour Department and the employers' and workers' organizations on labour standard-related issues (international and national labour standards and the FPRW) in terms of content and effective application, taking into account the employers' and workers' rights.</p> <p>2009 AR: According to the Government: ILO technical cooperation is needed to promote and realize the PR in the country, including through its IPEC Programme.</p> <p>ASIM and SICTU supported the Government's request.</p> <p>2008 AR: According to the Government: the requests made under the 2006 AR remain valid. The Government and the SICCI again requested ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW. This would allow the Government and employers' and workers' organizations to draw a national plan of action to better realize the FPRW in Solomon Islands.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the principle and right in Solomon Islands, in particular in the following areas, in order of priority: (1) Legal reform; policy advice; capacity building of responsible government institutions; data collection and analysis; strengthening capacity of employers' and workers'; employment creation, skills training and income generation organizations; awareness raising, legal literacy and advocacy; inter-institutional coordination; special programme for the elimination of the worst forms of child labour; (2) Social protection systems; sharing of experiences across countries/regions; cross-border cooperation mechanisms; (3) Training of other officials (police, judiciary, social workers, teachers). These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for the Solomon Islands.</p>

		<p>All employers' and workers' organizations supported the Government's request for ILO technical cooperation, including the launch of an ILO Declaration Programme to facilitate the promotion and realization of the FPRW in Solomon Islands.</p> <p>According to the employers' organizations, the ILO technical cooperation would be necessary to assist in the realization of the PR in Solomon Islands in the following areas:</p> <ul style="list-style-type: none"> – SFA: (i) public awareness raising on the PR; and (ii) strengthening of social dialogue. – SICA: (i) income generation programmes to alleviate poverty; (ii) labour law reform; (iii) public awareness raising on the PR; and (iv) information and data collection. – SIWIBA: (i) income generation programmes to alleviate poverty; (ii) legal reform; (iii) information and data; (iv) public awareness raising on the PR and the negative aspects of child labour and its worst forms, in particular child prostitution and involvement in drug activities; – SICCI: (i) legal reform; and (ii) strengthening of the Government and the employers' and workers' organizations capacities in enforcing laws and realizing the PR; and (iii) ILO support and technical cooperation programmes to alleviate poverty in Solomon Islands; – ASIM: (i) ILO technical cooperation to generate employment incentives; – SIIBA: (i) legal reform; (ii) information and data collection on child labour; (iii) strengthening of the national social welfare system; and (iv) strengthening of the capacity of employers' and workers' organizations to fight against child labour; – SIPEU: (i) information and data collection; (ii) capacity building of employers' and workers' organizations on the PR; (iii) strengthening of social dialogue; and (vi) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms. – SINTA: (i) support to the Government and teachers' unions on education for all to eliminate poverty; (ii) information and data collection; (iii) income generation programmes; (iv) capacity building of employers' and workers' organizations on the PR; (v) strengthening of social dialogue; and (vi) awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms. – SICTU and SINUW: (i) income generation programmes; (ii) capacity building of employers' and workers' organizations on the PR; and awareness-raising of the public on the PR and the negative aspects of child labour and its worst forms.
	<p>Offer</p>	<p>ILO (including labour law reform and assistance in reporting under the 2006 and the 2012 AR), UNESCO, UNICEF, UNDP, INTERPOL, the Government of Australia (AusAID), the Government of New Zealand (New Zealand Overseas Development Assistance, NZODA), and NGOs (Save the Children, World Vision and the Solomon Islands Christina Association, SICA).</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Solomon Islands, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs were concerned at the failure to report by Solomon Islands (and three other countries). They encouraged it to continue their efforts to report (cf. paragraph 51 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Solomon Islands and two other reporting countries there was no compulsory schooling (cf. paragraph 58 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p>	

GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: SOMALIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the 2006 Annual Review (AR). No change reports under the 2007 AR (national crisis) and the 2011 AR.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>According to the Government: The Somalia Employers' Association (SEA) has been established in January 2007. Small workers' unions have been also established, but the umbrella national union is yet to be established, as part of an ongoing process.</p> <p>According to the Government: A process is being developed in view of establishing in the country new employers' and workers' organizations. An employers' organization has been set up during the year 2009: Somalia chamber of commerce and industry (SCCI). The Somali Federation of Trade Union (SOFETU) has been recognized by the Government in 2010. This Federation is composed by 16 trade unions. The Federation of Somali Trade Unions (FESTU) was created in 2011</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2010 AR: Observations by SCCI.	
	Workers' organizations	2012 AR: Observations by the FESTU and its 16 affiliates.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Somalia has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).
		Ratification intention	<p>YES, since 2007, for C.138 and C.182.</p> <p>2012 AR: According to the Government: A comprehensive review of Labour laws will be undertaken once the country is out of the current crisis.</p> <p>The FESTU expressed its full support to the ratification of C.138 and C.182, while emphasizing that priority would be given to overcoming difficulties linked with the current political and security situation in the country.</p> <p>2010 AR: The Government indicated its intention to ratify the core Conventions only when the country experiences a peaceful process that would allow the adoption of new legislation.</p> <p>The SCCI fully supported the ratification of all core Conventions by Somalia. However, they shared the Government's opinion that ratification of any Convention would be difficult because of the political situation of the country.</p> <p>2009 AR: The Government confirmed its intention to ratify all the ILO fundamental Conventions, including C.138 and C.182, as soon as possible and with ILO's technical support.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

			<p>2008 AR: The Government intends to ratify the ILO fundamental Conventions, but lacks technical capacities. Once the technical guidance which was requested to the ILO in 2005 is received, the Government will start the ratification process in consultation with the social partners.</p> <p>2006 AR: According to the Government: With a view to considering ratification of all ILO fundamental Conventions, the Government would appreciate receiving ILO technical assistance in organizing a national workshop on labour standards and the Declaration on Fundamental Principles and Rights at Work (FPRW).</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES , the principle of the effective abolition of child labour (PR) is recognized in Somalia under articles 18.4 and 24.2 of the 2004 Somali Transitional Federal Charter (STFC).	
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: NO, however: 2006-2008 AR's: The Government intended to adopt a policy on the principle and right (PR). • Legislation: The PR is recognized under section 90 of the Labour Code, Law no. 65 of 1972. 	
	Basic legal provisions	(i) The 2004 Somali Transitional Federal Charter (STFC) (article 90); and (ii) the Labour Code, 1972 (sections 90 and 94).	
	Judicial decisions	NIL.	
Exercise of the principle and right	Compulsory education	YES, the age of boys and girls at the end of compulsory schooling is 15 years, with a general requirement of 8 years/grade of instruction.	
	Minimum age	<p>2006 AR: General minimum age for admission to employment or work: 15 years for both boys and girls, that also covers light work, but not hazardous work.</p> <p>Hazardous work is defined in the legislation and the minimum age for engaging in that type of work is 18 years, for both boys and girls (section 94 of the Labour Code).</p>	
	Worst Forms of Child Labour	<p>2006 AR: According to the Government: section 94 of the Labour Code provides for the elimination of any of the worst forms of child labour referring to work on a vessel and underground work where the minimum age is 18. Steps are not being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.</p> <p>Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced recruitment for armed conflict and illicit activities do not exist. However, it is not known whether prostitution, pornography and other worst forms of child labour exist.</p> <p>Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; and pornography do not exist amongst both boys and girls. However, forced recruitment for armed conflict is believed or suspected to exist amongst boys only.</p>	

		Special attention to particular situations	NO.
		Information/ Data collection and dissemination	NO.
	Monitoring, enforcement and sanctions mechanisms	NO.	
	Involvement of the social partners	NO.	
	Promotional activities	2008 AR: A government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.	
	Special initiatives/Progress	NO.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	2012 AR: According to FESTU: The problem of worst forms of child labour in Somalia mainly concerns child soldiers: The main challenges in realizing the PR are related to the political situation, the lack of peace and security, and the fact that child soldiers are a sensitive issue that needs to be dealt with carefully, as it may affect trade unions' security in the national context.
	According to the Government	<p>2012 AR: According to the Government: The political crisis, the lack of skilled workers and the low capacity of social partners make it difficult to realize the PR.</p> <p>2010 AR: According to the government the problem of instability because of the war, stops all plan to promote the C.138 & C.182.</p> <p>According to the Government: The Government reiterated the same peace and capacity challenges that made it difficult to realize the PR.</p> <p>2009 AR: The Government reiterated the same peace and capacity challenges that made it difficult to realize the PR.</p> <p>2008 AR: According to the Government: there is a worrying number of working children and child soldiers due to poverty and the instability because of the national crisis.</p> <p>2007 AR: The Government reported no change because of difficult national circumstances.</p> <p>2006 AR: The Government indicated that the main obstacle that had been encountered in Somalia in realizing the PR were as follows: (i) political situation; (ii) legal framework; (iii) lack of training and capacity of labour administration and employers' and workers' organizations; (iv) the effects of the civil war; (v) poverty and unemployment; (vi) displacements of the population; and (vii) lack of schools and civic education.</p>	

TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: The ILO is needed for capacity building of all social partners</p> <p>The FESTU requested ILO's assistance in dealing with child labour and the particular sensitive issue of child soldiers in Somalia, in particular through initial awareness raising about the problem.</p> <p>2010 AR: According to the Government: The country needs assistance in making labour laws and support in fighting child labour. The Government indicated there is a need for ILO assistance in the following areas: (i) Training for the responsible government institutions and strengthen Government's building capacity when peace time comes; (ii) Assistance in the effective abolition of child labour and its worst forms, particularly for the child soldiers. The Government further made a plea for ILO to keep Its activities in the country despite the war.</p> <p>According to the SCCI: ILO technical assistance will be needed to train the responsible government institutions and strengthen government's building capacity when peace time comes.</p> <p>2009 AR: The Government reiterated the requests for ILO technical cooperation made since the 2006 AR and expressed its interest in having an ILO Decent Work Country Programme developed in Somalia when national situation allows it.</p> <p>2008 AR: The Government reiterated its request for ILO/IPEC technical assistance made under the 2006 AR. Furthermore, it requested a special ILO assistance to fight against child involvement in armed conflict, namely through prevention, and rehabilitation of child ex-combatants through skills training.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Somalia, in particular in the following areas, in order of priority: (1) Policy advice; (2) Capacity building of responsible government institutions; (3) Employment creation, skills training and income generation; (4) Strengthening capacity of employers' and workers' organizations); (5) Special programme for the elimination of the worst forms of child labour; (6) Legal reform; (7) Training of other officials (police, judiciary, social workers, teachers); (8) Awareness raising, legal literacy and advocacy; (9) Social protection systems; (10) Data collection and analysis; (11) Sharing of experiences across countries/regions; (12) Cross-border cooperation mechanisms; (13) Inter-institutional coordination.</p> <p>Furthermore, after 15 years of civil war and political turmoil, in 2004, a Transitional Federal Parliament and Transitional Federal Government were formed in Nairobi, Kenya. The Government has launched a programme with the view to establish a new labour administration, new employers' and workers' organizations, new tripartite institutions, revised labour laws and new labour courts.</p> <p>In this historical and instrumental process for national peace, stability and reconstruction, the ILO assistance is most needed to enable the Government to apply the Convention in law and practice, and report accordingly. In view of considering the ratification of all ILO Fundamental Labour Conventions, the Government requests the organization of a national workshop on these standards and the Declaration, with ILO technical assistance.</p>
	Offer	ILO (including assistance in reporting under the 2006 AR).

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Somalia, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Somalia, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (cf. paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs encouraged the Government of Somalia that had provided its first report under the Declaration to follow up and had expressed its willingness to ratify C.87 and C.98 (cf. paragraph 34 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from the Somalia and other countries that had never reported under the Declaration Annual Review (cf. paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2003-2004 ARs: The IDEAs expressed concern that several countries, including Somalia, had never reported under the Declaration Annual review. They recommended that the Office initiate a dialogue with Somalia and other countries that had never reported under the Declaration Annual Review (cf. paragraph 9 of the 2003 Annual Review Introduction – ILO: GB.286/4, and paragraph 16 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: SURINAME

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except under the 2011 Annual Reviews (AR).	
	Involvement of Employers' and Workers organizations in the reporting process	YES , according to the Government: Involvement of employers' organizations (the Vereniging Surinaams Bedrijfsleven (VSB); the Associatie van Surinaamse Fabrikanten (ASFA)) and workers' organizations (the Confederation of Labour Unions in Suriname (RAVAKSUR) members are: the Centrale van Landsdienaren Organisatie (CLO); the Federatie van Agrariërs en Landarbeiders (FAL); the Progressieve Werknemers Organisatie (PWO); the Organisatie van Samenwerkende Autonome Vakbonden (OSAV); and the Progressieve Vakcentrale C-47 (C-47), the most outspoken) by means of consultations and communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	<p>2012 AR: Observations by C-47. Observations by the CLO. Observations by the RAVAKSUR.</p> <p>2009 AR: Observations by RAVAKSUR.</p> <p>2008 AR: Observations by the CLO.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Suriname ratified in 2006 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	<p>YES, since 2000, for C.138.</p> <p>2012 AR: According to the Government: The Government will ratify all core Conventions within a year. There is a strong consensus among the social partners for ratification all non ratified fundamental Conventions by Suriname, including C.138. ILO should organize urgently a workshop on the Declaration's follow-up in Suriname so as to help facilitate the ratification process together with a better implementation of the fundamental principles and rights at work.</p> <p>C-47 expressed its support to the ratification of C138 by Suriname.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

			<p>2009 AR: The Government reiterated its earlier position concerning the ratification process of C.138. RAVAKSUR supported this ratification, but mentioned that national laws should be amended accordingly.</p> <p>2008 AR: The Government indicated that once the labour law review on compulsory schooling education is completed, the Council of Ministers will review previous memos regarding the ratification of C.138.</p> <p>The CLO expressed its support to the ratification of C.138.</p> <p>2006 AR: According to the Government: C.182 has been approved for ratification by the National Assembly. The next step is the signing of the Instrument of Ratification by the President of the Republic of Suriname.</p> <p>2005 AR: The Government stated that C.182 had been approved for ratification by the National Assembly and C.138 was also being prepared for approval by the Council of Ministers and submission to the competent authorities.</p> <p>2004 AR: The Government indicated that C.182 had been submitted to the competent authority in June 2003 for ratification.</p> <p>2001 AR: based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138.</p> <p>2000 AR: The Government reported that C.138 had been discussed by a Tripartite Labour Advisory Board and a proposal made to the Government for ratification.</p>
	<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>	<p>YES.</p> <p>The Constitution (article 35, sub 3 and article 37) recognizes the principle and right (PR). Suriname ratified the United Nations Conventions on the Right of the Child.</p>
		<p>Policy, legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy: <p>2012 AR: The Government indicated that there was a National Commission on child labour.</p> <p>2005 AR: According to the Government: A process of amending existing legislation has been initiated in order to bring it into conformity with C.182.</p> <p>2004 AR: The Government intended to adopt a national policy/plan aimed at ensuring the effective abolition of child labour. In addition, for the 2002-06 cycles, the Government had launched a Policy Plan for Children. The main objective of this policy is aimed at enhancing the position of children in general and to give them a better chance in life. In order to achieve the main objective, one of the issues to be addressed was the elimination of child labour. Articles within the Labour Act regarding the prohibition of child labour are also being reviewed.</p> <p>2003-2004 ARs: The Government intended to adopt a national policy/plan aimed at ensuring the effective abolition of child labour.</p> <p>2002 AR: There is no national policy or plan aimed at ensuring the effective abolition of child labour, but after the results of a 1998 survey were known, one would be adopted.</p>

			<ul style="list-style-type: none"> • Legislation: 2012 AR: According to the Government: A State Decree on Hazardous Work was published in December 2010. The Labour Act related to the PR. 2007 AR: According to the Government: A total revision of the labour legislation is now considered. The Ministry of Labour, Technological Development and Environment is finalizing the terms of reference with the Ministry of Planning. Together, they are in the process of seeking financial aid to finalize the revision. • Regulations: sections 17-21 of the Labour Act; the Sea-fishing Decree of 1980 related to the PR.
		Basic legal provisions	(i) Constitution (articles 35 and 37); (ii) the Labour Act (sections 17-21); and (iii) the Sea-fishing Decree of 1980 and (iii) a State Decree on Hazardous Work, December 2010.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES: There is a compulsory educational system; the age limit for completion of compulsory schooling is 12 years. The number of years or grades of instruction required to complete compulsory education is set at 6 years.
		Minimum Age	2003 AR: General minimum age for admission to employment or work: 14 years for both boys and girls. However, the law also allows those who have passed the age of compulsory schooling (12 years) to work under certain conditions. The general minimum age for admission to employment does not cover work performed in a family-owned/operated enterprise, family and small-scale agriculture and light work. Light work: Children, who have exceeded the age of completion of compulsory schooling, can perform certain forms of labour, which are stipulated in the State Decree. The types of activities are: have to be necessary for learning a profession or are normally performed by children; must not be physically or mentally too demanding; and must not be hazardous. Hazardous work: The minimum age for engaging in hazardous work is 18 years for boys and girls.
		Worst forms of child labour	C 182 is ratified.
		Special attention to particular situations	NIL.

		Information/ Data collection and dissemination	<p>2002 AR: According to the Government: A survey had been undertaken by the Labour Market Department of the Ministry of Labour providing statistical information on the extent and/or nature of child work. The results of the survey are not yet completed but reports show that an increasing number of street children were offering their services as commercial sex workers in Paramaribo.</p> <p>2000 AR: According to the Government: The Labour Market Directorate has conducted a study on the local situation, which showed no incidence of child labour in renowned enterprises. However, reports show that there is a rise in child labour in the mining sector and in the informal sector, particularly as street vendors.</p>
	Prevention, monitoring, enforcement and sanctions mechanisms		<p>2012 AR: According to the Government: There is a strong monitoring system with labour inspectors and a National Commission on Child Labour.</p> <p>2008 AR: The Government mentioned that a National Commission on Child Labour under the Ministry of Labour would be established shortly in cooperation with other public sectors and will cover provisions of C.138.</p> <p>2003 AR: According to the Government: The PR is implemented through enforcement of the Labour Act by the Labour Inspection Unit, as well as through penal sanctions mentioned in sections 29-34 of the Act.</p>
	Involvement of the social partners		<p>2012 AR: According to the CLO and RAVAKSUR: The labour market and relations between the social partners and Government have been well functioning during the last 10 years. Following general elections in 2010, a new Government has been appointed in Suriname.</p> <p>2005 AR: According to the Government: Workers' and employers' organizations will be involved in the development and implementation of these measures/programs of action.</p>
	Promotional activities		<p>2012 AR: C-47 mentioned that it had participated in workshops organized by RAVAKSUR including training on child labour issues. It further indicated its participation in the ILO/TURIN Pre-Conference Course on International Labour Standards in May-June 2011 where issues concerning the PR were addressed.</p> <p>2008 AR: The CLO indicated that it had organized several skills trainings on the issue of child labour.</p> <p>2002 AR: According to the Government: Suriname participates in the Plan of Action (2001) program on the promotion of children's rights, where problems are reviewed and taken into consideration in accordance with the UN Convention on the Rights of the Child.</p>
	Special initiatives/Progress		<p>2012 AR: The Government indicated that it had issued State Decree on Hazardous Work in December 2010 so as to protect, among other, children from dangerous work.</p> <p>2002 AR: According to the Government: The signing of the Convention on the Rights of the Child; the involvement of the Government in the UNICEF program, resulting in the intention to ratify C.182 can be regarded as successful examples in the abolition of child labour.</p>

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	<p>2012 AR: According to C-47: Child labour does not exist in the formal sector, but there are a few cases of children operating in the informal economy, mostly as street vendors after school hours. There are also few cases of children working as gold miners in rural areas. Moreover, labour inspection services lack capacities to carry out their work adequately.</p> <p>According to the CLO and RAVAKSUR: Child labour is not a widespread problem in Suriname and among child labourers there is only a small proportion of children in hazardous working conditions.</p> <p>2009 AR: The major challenge to child labour exists in the informal and agricultural sectors of the economy. As a result, sensitization of these sectors would be needed to improve the realization of the PR in the country. Moreover, national laws need to be amended to comply with the provisions of C.138.</p> <p>2008 AR: According to the CLO: Poverty is the major issue in Suriname.</p>
	According to the Government	<p>2012 AR: According to the Government: The new informal sector (gold mining, commerce...) actors and the migrant Chinese workers are more difficult to monitor. There is also a mismatch between the age of the child at the end of compulsory schooling (12) and the minimum age for admission to employment or work (14).</p> <p>2009 AR: According to the Government: For a holistic gain from the provisions of C.138, there is need for the convening of a social partners' forum that will agree on a practicable minimum-age law.</p> <p>2008 AR: According to the Government and the CLO: the national legislative review is still awaited; there is not sufficient collaboration among the other public sectors (such as the agricultural, industrial or health sectors); and finally, leadership among workers and employers is lacking.</p> <p>2003 AR: According to the Government: the main obstacles encountered in the realization of the principle of the effective abolition of child labour, were the lengthy procedures for the modification and passage of legislation, and a lack of capacity building of officials especially from the Labour Inspection Department.</p> <p>2002 AR: According to the Government: The main obstacles encountered with respect to realizing the principles were the need to update legislation, especially the Labour Act, and the delay in processing the 1998 survey results.</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: The Government reiterated its requests for ILO urgent support in organizing a workshop on the Declaration's follow-up in Suriname so as to help facilitate the ratification process for the three unratified fundamental Conventions. C-47 requested ILO support to better fight against child labour, in particular through awareness raising for school attendance and workers' education on child labour.</p> <p>2009 AR: According to the Government: ILO's support is needed in facilitating a study on the percentage of children engaged in child labour and the demographic endemic spread. Support is also needed in the establishment of a tripartite commission that will encourage deliberations on good practices for child protection.</p> <p>The RAVAKSUR mentioned that ILO's continued support was needed through the national IPEC Program.</p> <p>2008 AR: The Government requested that a country assessment be conducted in Suriname on the Declaration Follow-up and that some best-practices examples on the said issue be provided.</p>	

		<p>2007 AR: According to the Government: A total revision of the labour legislation is now being considered. The Ministry of Labour, Technological Development and Environment is finalizing the terms of reference with the Ministry of Planning. Together, they are in the process of seeking financial aid to finalize the revision.</p> <p>2005 AR: The Government requested an in-depth study of the situation in order to establish a Plan of Action for the elimination of the worst forms of child labour and for the training and awareness raising programs on labour inspectors, specifically in recognizing child labour and acting against it.</p>
	Offer	<p>2012 AR: According to the Government: A national Decent Work Country Programme was adopted in cooperation with ILO. ILO/IPEC/CIDA Sub-Regional Child Labour Project (“Identification, elimination and prevention of the worst forms of child labour in the Anglophone and Dutch-speaking Caribbean”); UNICEF Caribbean Sub-Regional Program.</p>
EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS		<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Suriname, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including Suriname, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (cf. paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p>
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS		<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
INTERNATIONAL LABOUR CONFERENCE RESOLUTION		<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2004-2012) ¹: TIMOR-LESTE

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , under the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of Chamber of Commerce and Industry of Timor-Leste (CCI-TL) and Timor-Leste's Trade Unions Confederation (TLTUC), the Fórum dos Empresários/Câmara do Comércio de Timor-Leste (FECCTL) and the Konfederasaun dos Sindikatu de Timor-Leste (KSTL) by means of consultation and communication of a copy of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	NIL.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Timor-Leste ratified The Worst forms of Child Labour Convention (C.182) in 2009. However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138). Timor-Leste ratified the United Nations Convention on the Right on the Child (CRC).
		Ratification intention	YES, in process since 2008 for C.138. 2012 AR: According to the Government: Ratification for C.138 will be completed upon promulgation of the New Labour Code. 2011 AR: According to the Government: C.138 has been considered for ratification, but for the year 2011. 2009 AR: According to the Government: Timor-Leste has received the appropriate technical support from the ILO and after having been discussed at tripartite level and submitted to and approved by the Council of Ministers, ratification of C.182 has been submitted to Parliament for approval. A plan for ratification of all the eight ILO fundamental Conventions, including C.138, within the next 5 years (i.e., through 2013) has been developed under the Decent Work Country Programme (DWCP). 2008 AR: According to the Government: ILO technical assistance is necessary in order to better understand international labour standards (ILS) and the Declaration, and also for a labour law review which is needed before the process of ratification of C.138 and C.182 can be initiated in Timor-Leste.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. According to the Government: The Timorese Constitution (Article18) provides that “ <i>Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.</i> ”
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2012 AR: According to the Government: A national Commission on the Right of the Child was established in 2010 to advise the Government on policies and programmes for the protection and promotion of the rights of the child, including the right not to be subjected to child labour. 2006 AR: The Government intended to adopt a policy on the principle and right (PR) by 2010. • Legislation: 2012 AR: According to the Government: The draft Labour Code approved by the Government in 2010, is currently before Parliament for final approval expected in 2012, together with promulgation. Moreover, a draft Children Code is being debated at the Parliament and is expected to be promulgated in 2012. The new Penal Code has been promulgated in 2010. The Labour Code (Regulation No.2002/5), section 11.2, prohibits employment or work by a child under the age of 15. The Government also indicated that it had presented to the ILO its new draft of the Labour Code for comments and the document is expected to be submitted to the Council of Minister in the first half of 2009 and to be approved by the Parliament by the end of the year.
		Basic legal provisions	(i) The Labour Code, 2002 (sections 9 and 11.2); (ii) The “Basic Law” for the Educational System (Law No. 14/2008); and (iii) Draft Criminal Code (submitted to Parliament).
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES, since 2008. 2009 AR: The National Parliament has approved the “Basic Law” for the Educational System (Law No. 14/2008) where compulsory schooling shall apply to children under 17 years old. 2006 AR: According to the Government: free compulsory schooling is among the measures that are envisaged by the Government.
		Minimum age	2006 AR: General minimum age for admission to employment or work: 15 years for both boys and girls, which also covers light work and hazardous work. Hazardous work is defined in the legislation as “work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of such a person”. Hazardous work can be performed by those aged 18 years at least. This corresponds to the age for admission in armed forces in Timor-Leste

		Worst forms of child labour	<p>C.182 is ratified.</p> <p>2012 AR: According to the Government: the new Penal Code, adopted in 2010, and the draft Labour Code contain provisions to fight against the worst forms of child labour, such as child slavery and servitude.</p> <p>2009 AR: The Government has submitted to Parliament the draft of the Criminal Code aiming to implement actions against worst forms of child labour.</p> <p>2006 AR: According to the Government: There are laws or regulations with the aim at eliminating any of the worst forms of child labour. But no steps are being taken to modify existing legislation or introduce a new one to address the elimination of the worst forms of child labour.</p> <p>According to Government: Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced recruitment for armed conflict and illicit activities do not exist. However, it is not known whether prostitution, pornography and other worst forms of child labour exist.</p>
		Special attention to particular situations	NIL.
		Information/ Data collection and dissemination	2006 AR: According to the Government: The last population census was held in 2004, and the lowest age of persons for whom questions were asked about economic activity was 15 years.
	Monitoring, enforcement and sanctions mechanisms	<p>2011 AR: According to the Government: Decree-Law 19/2010 has established the General Labour Inspectorate that has the mandate to monitor and enforce the application of the Labour Law.</p> <p>2009 AR: According to the Government: A chapter on occupational safety and health will be included in the legislation and appropriate training for labour inspectors, through a cooperation with the Government of Portugal, will be carried out. Moreover, adequate Labour Inspection statutes will be developed in accordance with the new Labour Code.</p> <p>2006 AR: According to the Government: Legal reform and inspection/monitoring mechanisms are measures which have been implemented to eliminate the worst forms of child labour and awareness raising/advocacy and international cooperation programmes or projects are being envisaged for the same purpose, together with civil or administrative sanctions, special institutional machinery, free compulsory education, employment creation/income generation, awareness raising/advocacy.</p>	
	Involvement of the social partners	<p>2012 AR: According to the Government: Tripartite discussions are still going on as concerns ratification of C.138.</p> <p>2009 AR: According to the Government: Tripartite discussions have been carried out concerning ratification of C.138 and C.182. A first national seminar on international labour standards and the 1998 ILO Declaration was organized in October 2008, with a massive tripartite participation of government officials and employers' and workers' representatives. The employers' and workers' organizations were also involved in the preparation and the formulation of the Decent Work Country Programme (DWCP) and the "Rapid assessment on child labour in Timor-Leste".</p> <p>2006 AR: According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board, which is the responsible Government institution for <i>inter alia</i>, policy advice and dispute settlement.</p>	

	Promotional activities	<p>2012 AR: According to the Government: A national Commission on the Right of the Child was established in 2010 to advise the Government on policies and programmes for the protection and promotion of the rights of the child, including the right not to be subjected to child labour.</p> <p>2011 AR: The Government, together with the ILO in Dili, promoted in 2010 two national consultations and seminars to raise awareness among social partners and relevant stakeholders on Child Labour issues and to officially launch the Trilateral Project sponsored by the Brazilian Government and the ILO-IPEC.</p>	
	Special initiatives/Progress	<p>2012 AR: According to the Government. The <i>Bolsa da Mae</i> Government Programme provides social incentives to low income families on the condition that they send their children to school. As a result of this multisectoral approach programme between the Ministry of Education, the Ministry of Social Affairs and the State Secretariat of Labour, the drop out rate from primary school has decreased.</p> <p>2011 AR: According to the Governmental: Through the Child Labour Project sponsored by the Government of Brazil and the ILO International Programme on the Elimination of Child Labour (IPEC), the Government has started the process for the establishment of a Tripartite Child Labour Commission, and has also submitted to the National Parliament the approved draft Labour Code for further approval in 2011. Moreover, in October 2010, the tripartite Child Labour Commission participated in a meeting sponsored by ILO-IPEC in Mozambique to discuss further support and actions regarding the implementation of Convention No. 182 and technical support for ratification of Convention No. 138.</p> <p>2009 AR: According to the Government: The Government presented to the ILO its new draft of the Labour Code for comments and the document is expected to be submitted to the Council of Ministers in the first half of 2009 and to be approved by Parliament by the end of the year. A Decent Work Country Programme (DWCP) has been developed in 2008. A “Rapid assessment on child labour in Timor-Leste” was also completed and presented to the employers’ and workers’ organizations and the civil society.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL.
		Workers’ organizations	NIL.
	According to the Government	<p>2011 AR: Technical support and human resources development and facilities have been the biggest challenge faced in order to implement action against Child Labour in Timor-Leste.</p> <p>2010 AR: The Government is working on a new labour code and will call a Tripartite Meeting to finalize the new draft for submission to the Council of Ministers. The Government has received in March 2009 the comments offered by DIALOGUE on the draft labour code.</p> <p>2008 AR: The Government referred to the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building; and (iv) weak labour inspection.</p> <p>2007 AR: According to the Government: the military crisis of 2006 has delayed many activities, including the finalization of the draft labour code.</p> <p>2006 AR: According to the Government: The main obstacle that has been encountered in Timor-Leste in realizing the PR are as follows: (i) economic and social situation of Timor-Leste; (ii) lack of capacity of responsible government institutions; (iii) lack of capacity of workers’ and employers’ organizations; and (iv) lack of national law and policy.</p>	

TECHNICAL COOPERATION	Request	<p>2011-2012 ARs: The Government indicated that training for human resources development for relevant Government Departments and stakeholders has been the most needed technical support. The continuation of the Trilateral Project sponsored by the Brazilian Government and the ILO-IPEC is crucial for effective planning and actions against child labour in Timor-Leste.</p> <p>2010 AR: The Government has requested Technical Cooperation from the ILO for the development of an Action Plan for the implementation of ratified conventions through Tripartite Seminars and Workshops and to finalize the draft of the labour code containing the FPRW in its text. The Government has also requested technical cooperation from the ILO, which is highly needed, to support the process of ratification of other ILO Fundamental Conventions.</p> <p>2008 AR: The Government requested ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p>2007 AR: According to the Government: There is a need for training and capacity building of officials and staff, especially on labour issues.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Timor-Leste, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) Training of other officials (police, judiciary, social workers, teachers); (3) Strengthening capacity of employers' and workers' organizations; (4) Employment creation, skills training and income generation; (5) Legal reform; (6) Data collection and analysis; (7) Awareness raising, legal literacy and advocacy; (8) Special programme for the elimination of the worst forms of child labour; (9) Inter-institutional coordination; (10) Cross-border cooperation mechanisms; (11) Policy advice; (12) Social protection systems; (13) Sharing of experiences across countries/regions.</p>
	Offer	<ol style="list-style-type: none"> 1. ILO (including a Decent Work Country Programme (DWCP); a Seminar on International Labour Standards and the 1998 ILO Declaration; a training in the ILO/Turin Centre(ILS/1998 ILO Declaration); labour law reform and assistance in reporting). The DWCP focuses on 3 major areas: (i) Youth Employment Promotion; (ii) Rural Economic Development; and (iii) Labour Market Governance, with the objective to help Timor-Leste with the ratification of the Core ILO Conventions, development of reporting capacity, and incorporation of International Labour Standards' principles into national legislative framework and to increase capacity of employers' and workers' organizations to participate effectively in the development of social and labour policy. Moreover, the Trilateral Project sponsored by the Brazilian Government and the ILO-IPEC is being carried out to fight against child labour in Timor-Leste; 2. UNICEF; and 3. AusAID.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Timor-Leste, having expressed their intention to ratify C.138 and/or C.182 (cf. paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Timor-Leste, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting. They also urged Timor-Leste to express (and another country) to express its intention concerning ratification of C.138 and C.182 (cf. paragraphs 52 and 53 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The ILO Declaration Expert-Advisers noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Timor-Leste and two other reporting countries there was no compulsory schooling (paragraph 58 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p>	

<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012) ¹: TURKMENISTAN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES, under the 2012 and the 2001 Annual Reviews (ARs).		
	Involvement of Employers' and Workers' organizations in the reporting process	Chamber of Commerce and Industry of Turkmenistan (CCIT) and the Trade Union Federation of Turkmenistan (TUFT).		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.		
	Workers' organizations	NIL.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Turkmenistan ratified has the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182) in 2010. However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138).	
		Ratification intention	YES, since 1997. 2012 AR: According to the Government: The Government has sent the instrument of ratification for C.138 on 24 May 1997. However, the minimum age for admission to employment or work needs to be specified in a declaration appended to this instrument to allow final registration by the ILO. This declaration will be sent as soon as possible.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL.	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> Legislation: 2012 AR: According to the Government: In 2005, Turkmenistan's Parliament adopted a law banning child labour and guaranteeing the rights of children to be free from economic exploitation. 2001 AR: According to Government: An Act of 23 March 2000 confirmed the legislative program of the President and an Act concerning fundamental safeguards of the rights of the child had been included in the legislative program of the second <i>Madzhlis</i> . The Government also indicated that work was in progress on a new Labour Code.	

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

		Basic legal provisions	The Labour Code (section 33.1-2 and 6; sections 179-180; section 183; section 190; and section 241).
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory Education	2012 AR: According to the Government: Yes, from six or seven years of age for a period of ten years.
		Minimum age	2001 AR: The general minimum age for admission to employment or work is 16 years for both boys and girls (section 179 of the Labour Code). However, the Government stated that the prior written consent of one parent (or his/her guardian) allowed a person who has reached 14 to be employed. Legislation on general minimum age does not cover home work. Hazardous work: 18 years old for both boys and girls (section 241 of the Labour Code) According to Government: The Cabinet of Ministers establishes a list of tasks involving dangerous types of work from which young persons under the age of 18 are barred.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Worst forms of child labour	C.182 is ratified.
		Special attention to particular situations	2012 AR: According to the Government: child labour in the textile industry.
		Information/ Data collection and dissemination	NIL.
	Monitoring, enforcement and sanctions mechanisms	2001 AR: According to the Government: A contract of employment with a worker under 18 years may be revoked at the request of the authorities responsible for monitoring the implementation of labour legislation, if continuation of the contract would jeopardize the health of the worker or be detrimental to his or her legal interests (section 190, Labour Code). The dismissal of young workers who are under 18 years of age is subject to the agreement of the Commission for Minors' Affairs.	
	Involvement of the social partners	NIL.	
	Promotional activities	2001 AR: According to the Government: There is a national program since 2000 that aims to establish a new Labour Code taking into account a modern legal basis for industrial relations and provisions to ensure that the rights of the child are strictly observed.	
	Special initiatives/Progress	2012 AR: According to the Government: The Government has established and implemented a national programme to fight against child labour in the textile industry. As a result of such action, child labour has been substantially reduced in this sector of activity.	

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL.
		Workers' organizations	NIL.
	According to Government	NIL.	
TECHNICAL COOPERATION	Request	NIL.	
	Offer	NIL.	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) noted that Turkmenistan was the only country that had failed to report under the 2008 Annual Review (cf. paragraphs 7 and 53 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs were concerned at the failure to report by Turkmenistan (and three other countries). They encouraged it to continue their efforts to report (cf. paragraph 51 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>		
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>		



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2009-2012)¹ : TUVALU

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , for the first time under the 2012 Annual Review (AR), but not under the previous reviews (i.e. ARs 2009-11).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Tuvalu National Private Sector Organization, TNPSO) and workers' organizations (the Tuvalu Overseas Seafarers' Union, TOSU) by means of consultation and communication of a copy of the government reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the TNPSO.	
	Workers' organizations	2012 AR: Observations by the TOSU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Tuvalu has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, Tuvalu ratified the United Nations Convention on the Right on the Child (CRC) in 1995.
		Ratification intention	YES, since 2011, for both C.138 and C.182. 2012 AR: According to the Government: Following consultations with TNPSO and TOSU, the Government has expressed its intention to ratify soon C.138 and C.182 and all other fundamental Conventions under the Decent Work Country Programme (DWCP) 2010-2012 being currently implemented. This intention was subsequently confirmed during the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010, and during the First National Tripartite Workshop on Tuvalu and ILO held in Funafuti, and where a tripartite call was also made for a prompt ratification of these 8 instruments by Tuvalu. The TNPSO expressed its full support to the ratification of all ILO fundamental Conventions by Tuvalu, including C.138 and C.182, taking especially into consideration the maritime and fishing industry which is so globalized and so important in Tuvalu.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

			The TOSU supported the ratification of all the 8 ILO fundamental Conventions by Tuvalu, including C.138 and C.182 for the same reasons expressed by TNPSO. It further recalled that the Government had expressed its wish to ratify these fundamental Conventions on three occasions, at least: (i) in the current DWCP; (ii) during the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010; and (iii) during the First National Tripartite Workshop on Tuvalu and ILO held in Funafuti, and where a tripartite call was also made for a prompt ratification of these 8 instruments by Tuvalu.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO.
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Legislation: <ul style="list-style-type: none"> (i) The Employment Act; (ii) The Education Act; (iii) The Penal Code. • Regulations: <ul style="list-style-type: none"> (i) The Employment Orders; (ii) The Education Orders.
		Basic legal provisions	(i) The Employment Act; (ii) The Education Act; (iii) The Penal Code.
		Judicial decisions	NIL.
	Exercise of the principle and right	Compulsory education	YES, free and compulsory education up to age 15.
	Minimum age	<ul style="list-style-type: none"> • General Minimum Age: 15 years for admission to employment or work (exception: 14). • Hazardous Work: 18 years (exception: 16). 	
	Worst forms of child labour	18 years.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Special attention to particular situations	NIL.
		Information/ Data collection and dissemination	NIL.
	Monitoring, enforcement and sanctions mechanisms	2012 AR: According to the Government: (i) The Labour Department; (ii) the Ministry of Education; and (iii) The courts. Moreover, under the Education Act and regulations sanctions are provided for against parents who do not ensure that their children go to school.	
	Involvement of the social partners	2012 AR: The Government indicated that TNPSO and TOSU had been involved in the adoption process of Tuvalu Decent Work Country Programme where issues concerning the fundamental principles and rights at work were dealt with among others.	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p>2012 AR: According to the Government: The Government, the TNPSO and the TOSU participated in the High Level Tripartite Meeting on Decent Work for Sustainable Development in the Pacific held in Port Vila, Vanuatu in February 2010 where the fundamental principles and rights have been promoted addressed. Moreover, The Officer of the Labour Department of the Ministry of Foreign Affairs, Trade, Tourism, Environment and Labour was trained, among others, on the fundamental principles and rights at work and International Labour Standards during ILO's assistance in reporting issues carried out in September 2011. On the same occasion, a first national tripartite workshop on Tuvalu and the ILO was organized where the fundamental principles and rights at work and the Decent Work Country Programme were addressed.</p> <p>The TNPSO and the TOSU confirmed their participation in such activities and indicated that they had been sensitized on the same issues during this September 2011 ILO Mission.</p>	
	Special initiatives/Progress	<p>2012 AR: According to the Government, the TNPSO and TOSU: The reporting exercise and the workshop on Tuvalu and the ILO, supported by the Office were a first successful experience of tripartite activity in Tuvalu. This interesting exercise should continue in the country.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2012 AR: According to the NCCI: No child labour problems are being encountered in the country. Literacy is very high and compulsory, and in practice workers are engaged when they are 18 and above. Only few cases of child work may be found in the informal economy.</p>
		Workers' organizations	<p>2012 AR: According to the TOSU: Poverty is a challenge as there are many children that do not attend school because their parent cannot afford paying their food during break hours in school.</p>
	According to the Government	<p>2012 AR: According to the Government: In response to the TOSU's comments, it is important to mention that despite legal sanctions imposed to parents under the Education Act and regulations, this situation goes on. There is free and compulsory education up to the age of 15 years. However, for the time being, due to economic constraints, the Government could not afford free food for all children during school hours. It calls for ILO support to launch income generation activities for poor parents under the International Programme for the Elimination of Child Labour (IPEC), so that they can afford at least paying food during school break. The Government further mentions the following challenges concerning the realization of the PR in Tuvalu: (i) Lack of public awareness and/or support; (ii) legal provisions; (iii) lack of capacity of responsible government institutions; (iv) lack of capacity of employers' and workers' organizations; and (v) lack of social dialogue on the PR.</p>	
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government, TNPSO and TOSU: There is a need for ILO technical cooperation to facilitate the realization of this PR in Tuvalu, in particular in the following areas, in order of priority: (1) Assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; awareness-raising, legal literacy and advocacy; capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; legal reform (labour law and other relevant legislation); (2) strengthening data collection and capacity for statistical analysis;); developing labour market policies that promote equality of opportunity; developing policies regarding equal remuneration; and (3) sharing of experiences (best-practices) across countries/regions; training of other officials (e.g. police, judiciary, social workers, teachers).</p> <p>The Government, the TNPSO and The TOSU would appreciate that income generation programmes for poor parents in Tuvalu be supported by the ILO, under the DWCP or IPEC. In addition, tripartite partners expressed their appreciation regarding the organization of the First National Tripartite Workshop on Tuvalu and ILO, in September 2011, in cooperation with ILO, but also their hope that this first very interesting and fruitful experience of tripartism and social dialogue in Tuvalu would continue, with ILO support.</p>	
	Offer	<p>ILO (Decent Work Country Programme, assistance in reporting under the AR, First National Tripartite on Tuvalu and the ILO).</p>	

EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL.
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99 th Session (2010) of the International Labour Conference.
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99 th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled "Annex to the 1998 Declaration (Revised)". In particular, the Resolution "[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf .



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2012)¹: UNITED STATES

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	Yes, but no change reports for the 2002 and 2008 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>YES, according to the Government: Involvement of the US Council for International Business (USCIB) as well as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) through communication of government's reports. In addition, the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO, which includes representatives from the USCIB and the AFL-CIO.</p> <p>The updated report under the 2007 AR had been communicated to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Change to Win Federation, and the U.S. Council for International Business. In addition, in keeping with longstanding practice, as well as U.S. obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the draft report was reviewed by members of the Tripartite Advisory Panel on International Labor Standards, a subgroup of the President's Committee on the ILO.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	<p>2004 AR: Observations by the AFL-CIO.</p> <p>2003 AR: Observation by the AFL-CIO.</p> <p>2002 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	The United States ratified in 1999 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not ratified the Minimum Age Convention, 1973 (No. 138) (C.138).
		Ratification intention	<p>There are no current plans to ratify C.138.</p> <p>2012 AR: According to the Government: There are no current plans to pursue ratification of C.138.</p> <p>2011 AR: According to the Government: There are no current plans to ratify C.138.</p> <p>2010 AR: The Government indicated there were no efforts underway at this time to ratify C.138.</p> <p>2007-2009 ARs: According to the Government: there are no efforts under way at this time to ratify C.138.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p> <p>Policy, legislation and/or regulations</p>	<p>NIL.</p> <ul style="list-style-type: none"> • Policy: 2003 AR: The Government indicated that the “elimination of illegal and exploitative child labor was both a domestic and international priority”. • Legislation: 2010 AR: According to the Government: In December 2008, the Trafficking Victims Protection Reauthorization Act of 2008 was enacted, Pub. L. 110-457, 122 Stat. 5044 (2008), which reauthorized the Trafficking Victims’ Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464 (2000), for four years and authorized new measures to combat human trafficking, including efforts to increase effectiveness of anti-trafficking-in-persons programs, providing interim assistance for potential child victims of trafficking, and enhancing the ability to criminally punish traffickers. This legislation may be found at http://www.usdoj.gov/olp/materials-ww-tvpra.htm. 2009 AR: According to the Government: On 21 May 2008, President Bush signed legislation that amended the Fair Labor Standards Act by increasing the civil money penalties that may be imposed for child labor violations resulting in death or serious injury. The legislation raised the maximum penalty to \$50,000 for each violation resulting in death or serious injury to working youth. In cases where the employer’s violation is repeated or willful, the maximum penalty was raised to \$100,000. <i>See</i> 29 U.S.C. 216(e). 2004 AR: According to the Government: The President's fiscal year 2004 budget includes a legislative proposal to increase civil penalties for child labour violations that cause the death or serious injury of a young worker: <ul style="list-style-type: none"> – With respect to the discussion of the study conducted by the National Institute for Occupational Safety and Health (NIOSH), the Wage and Hour Division has given effect to some of the recommendations regarding changes to the hazardous orders. 2001 AR: According to the Government: The Children's Act for Responsible Employment would amend the Fair Labor Standards Act with respect to children working in agriculture, including hazardous occupations, and in commercial street sales. It would also increase the penalties for egregious child labour violations. 2000 AR: According to the Government: The federal Fair Labor Standards Act of 1938 (FLSA or Act), is the major federal child labor statute. The FLSA provides that "no employer shall employ any oppressive child labour in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce" (29 U.S.C. § 212(c)). Oppressive child labor is generally defined as the employment of a child under 16 years of age in any occupation, not including minors employed on farms owned or operated by their parents (29 U.S.C. § 203(1)). In addition, the term includes the employment of minors 16 and 17 years of age in any occupation deemed hazardous by the Secretary of Labor. The federal Walsh-Healy Public Contracts Act (41 U.S.C. § 35 et seq.), which sets basic labor standards for work done on federal government contracts, prohibits the employment of persons under sixteen years of age by the contractors in the manufacture, production, or furnishing of any of the material, supplies, articles or equipment included in a contract with the government.
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		<ul style="list-style-type: none"> - In the United States, child labor is regulated by both federal and state legislation and regulations. - The FLSA establishes a minimum standard for employment subject to the Act. It provides that employers must comply with any "higher standard" in federal law, state law or municipal ordinance related to child labor. 29 U.S.C. § 218(a). <p>• Regulations:</p> <p>2012 AR: According to the Government: During the reporting period, the Department of Labor (DOL) continued the multi-year review of its child labor regulations that has been described in previous reports. On September 2, 2011, DOL issued a notice of proposed rulemaking and request for comments (NPRM), 76 Fed. Reg. 54,836 (Sept. 2, 2011), to revise the child labor agricultural hazardous occupation orders (Ag H.O.s). The proposal would adopt the remaining specific recommendations of the National Institute for Occupational Safety and Health (NIOSH) on existing Ag H.O.s, increase parity between agricultural and nonagricultural child labor prohibitions by proposing to prohibit certain types of work for children in agriculture under 16 years of age, such as the use of power-driven equipment, that have been long been prohibited for their counterparts in nonagricultural employment, and propose new Ag hazardous occupation orders (H.O.s). In addition to the 2002 NIOSH recommendations, the NPRM is also based on DOL's own enforcement actions and consultations with stakeholders. The NPRM also contains proposed revisions to the nonagricultural hazardous occupation orders (H.O.s). Members of the public may submit written comments on the proposed rule by December 1, 2011. A public hearing was held during the comment period. The NPRM may be found at: http://www.dol.gov/whd/CL/AG_NPRM.htm. The notice of proposed rulemaking and request for comments (NPRM) proposes to significantly strengthen current child labor regulations prohibiting hazardous work in agriculture. The major revisions proposed would: prohibit all hired farm workers under 16 years of age from operating almost all power-driven equipment; require stringent academic training relating to the operation of any tractor by 14- and 15-year-old student learners; require that those tractors operated by student learners be equipped with approved rollover protective structures and seat belts; prohibit the use of most electronic devices, including communication devices, while operating power-driven machinery, including tractors; revise and expand the current prohibitions against working with animals; prohibit all tasks that fall within the job of a pesticide "handler" as determined by the Environmental Protection Agency's Worker Protection Standard; and prohibit hired farm workers under 16 years of age from participating in the cultivation, harvesting, and curing of tobacco. The NPRM also proposes to amend the regulations at 29 C.F.R. Part 579 to incorporate the major provisions of Field Assistance Bulletin 2010-1, <i>Assessment of Child Labor Civil Money Penalties</i>, issued by DOL's Wage and Hour Division (WHD) on January 20, 2010, to bring clarity and transparency to the child labor civil money penalty assessment process by detailing the enforcement policies WHD follows when making such assessments.</p>
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	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Judicial decisions	<p>2006 AR: In fiscal year 2004, the number of cases was 1,616.</p> <p>2005 AR: Number of concluded cases in which child labour violations were found in fiscal year 2003 was 1,648.</p>
	Exercise of the principle and right	Compulsory Education	YES , compulsory education is subject to state law and regulation. With regard to the age of a child at the end of compulsory schooling, it is 16 years for 25 states, 17 years for 9 states and the District of Columbia and 18 years for 16 states.
		Minimum age	<p>2000 AR: General minimum age for admission to employment or work: 16 years for both boys and girls.</p> <p>Light work: Minimum age of 14 years for both boys and girls</p> <p>Light work is work that is neither harmful to the health or development of young persons nor prejudicial to school attendance or participation in approved vocational programs.</p>

			<p>Hazardous work: Minimum age of 18 years for both boys and girls</p> <p>Under the FLSA, 18 is the minimum age for employment in non-agricultural occupations that the Secretary of Labor finds and declares to be "particularly hazardous ... or detrimental to the health or well-being" of young persons.</p> <p>In agriculture, 16 is the minimum age under the FLSA for employment in occupations (outside of family farms) that the Secretary of Labor finds and declares to be "particularly hazardous for the employment of children".</p>
		Worst Forms of Child Labour	C.182 is ratified.
		Special attention to particular situations	<p>2012 AR: According to the Government: DOL proposes to create two new hazardous occupation orders (H.O.s). The first would prevent children under 18 years of age from being employed in the storing, marketing, and transporting of farm product raw materials. Prohibited places of employment would include country grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges, and livestock auctions. The second would prohibit children under 18 years of age from using electronic devices, including communication devices, while operating power-driven equipment, including motor vehicles.</p> <p>2011 AR: According to the Government: The WHD is emphasizing child labor enforcement in agriculture as a priority.</p>
		Information/ Data collection and dissemination	<p>2012 AR: According to the Government: In Fiscal Year (FY) 2010, the number of concluded cases in which child labor violations were found was 684, and child labor civil monetary penalties of \$2,120,472 were assessed. The number of minors found working in violation of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. 201 <i>et seq.</i>, in those cases was 3,333. Thirty-one of those cases were in the agricultural industry, involving 49 minors employed in violation of the FLSA. WHD cited 1,064 H.O. violations in 308 cases, including three violations of the Ag H.O.s in two cases.</p> <p>2011 AR: According to the Government: In Fiscal Year (FY) 2009, the number of concluded cases in which child labor violations were found was 887 and child labor civil monetary penalties of \$4,031,564 were assessed. The number of minors found working in violation of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, <i>et seq.</i>, was 3,448. In FY 2010, the number of concluded cases in which child labor violations were found was 684 and child labor civil monetary penalties of \$2,120,471 were assessed. The number of minors found working in violation of the FLSA was 3,333.</p> <p>2010 AR: According to the Government: In fiscal year 2008, the number of concluded cases in which child labor violations were found was 1,129. For fiscal year 2008, nearly 4,218,088 in child labor civil monetary penalties were assessed. The number of minors found employed in violation of the FLSA was 4,737. These statistics may be found at: http://www.dol.gov/esa/whd/statistics/208FiscalYear.pdf.</p> <p>2009 AR: According to the Government: In fiscal year 2007, the number of concluded cases in which child labor violations were found was 1,249. For fiscal year 2007, nearly \$4.4 million in child labor civil monetary penalties were assessed. The number of minors found employed in violation of the FLSA was 4,672. This data may be found on the web site at http://dol.gov/esa/whd/statistics/200712.htm.</p>

			<p>2007 AR: According to the Government: In fiscal year 2005, the Number of Concluded Cases in Which Child Labor Violations Were Found was 1,129. For Fiscal Year 2005, \$3,744,364 in Child Labor Civil Monetary Penalties were assessed. The number of minors found employed in violation of the FLSA was 3,703. This data may be found on the Web site at: http://www.dol.gov/esa/whd/statistics/200531.htm.</p> <p>2003 AR: According to the Government: It records information on sanctions applied to users of child labour. The Government also undertakes surveys, occasionally, that provide statistical information on the extent and/or nature of child work.</p> <p>2000 AR: According to the Government: Relevant indicators and statistics include the following: (i) workforce demographics (Department of Commerce Census Bureau and Department of Labor Bureau of Labor Statistics): information about youth employment by occupation and industry, by hours worked; (ii) Enforcement data and compliance surveys (Department of Labor Wage and Hour Division); (iii) Statistics on deaths and injuries (Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health): data used in determining what kinds of labour are unsuitable for minors; (iv) School enrolment and attendance data (by the individual state authorities).</p> <ul style="list-style-type: none"> - The National Research Council of the National Academy of Sciences (a congressionally chartered private organization which advises the federal government on scientific and technical matters), with underwriting largely from government agencies such as the National Institute for Occupational Safety and Health and the Wage and Hour Division, published a document in 1998 entitled <i>Protecting Youth at Work</i>.
	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>On June 16, 2010, DOL announced that it has increased the standard civil money penalty that it will assess when youth are employed under the age of legal employment. Under the revised penalty structure, employers that illegally employ individuals ages 12 or 13 will face a penalty of up to \$6,000 per violation. If a worker is under 12 years of age and illegally employed, the penalty may be up to \$8,000. Penalties for illegally hiring workers under age 14 could be raised to \$11,000 under certain conditions. The press release for this administrative action may be found at: http://www.dol.gov/whd/media/press/whdpressVB3.asp?pressdoc=national/20100616.xml. DOL continues to utilize its expanded statutory authority to assess up to \$50,000 in civil monetary penalties for a child labor violation that results in the death or serious injury of an employee under 18, which may be doubled, up to \$100,000, if the violation is serious or willful. DOL's WHD is now turning its attention to reviewing the regulations governing child labor in agriculture in light of the remaining agricultural recommendations made in the 2002 NIOSH review, and is working on a notice of proposed rulemaking on this subject.</p> <p>2003 AR: According to the Government: In view of bringing about the effective abolition of child labour, the following are among the measures implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour: (i) legal reform; (ii) inspection/monitoring mechanisms; (iii) penal sanctions; (iv) civil or administrative sanctions; (v) special institutional machinery.</p> <ul style="list-style-type: none"> - The Wage and Hour Division contracted with the NIOSH, for that federal agency to conduct a study of the current hazardous orders and to make recommendations for any changes. NIOSH completed that study, <i>National Institute for Occupational Safety and Health (NIOSH) Recommendations to the U.S. Department of Labor for Changes to Hazardous Orders</i>, in May 2002. 	

		<p>2000 AR: According to the Government: the FLSA contains provisions designed to control or regulate the employment of children as well as to abolish, or to prevent outright, the employment of oppressive child labour.</p> <ul style="list-style-type: none"> - The Secretary of Labor promulgates regulations which detail occupations found to be hazardous (there are 17 hazardous orders addressing various non-agricultural industries and occupations where the Secretary has found it to be particularly dangerous for youth workers). <p>The child labour provisions of the FLSA are administered and enforced by the United States Department of Labor acting through the Administrator of its Wage and Hour Division.</p> <ul style="list-style-type: none"> - The Wage and Hour Division employs a number of enforcement tools to ensure effective implementation of federal child labor laws. - Civil money penalties: assessed in proportion to the severity of violations, ranging from fines to imprisonment, are employed to encourage future compliance by employers.
	<p>Involvement of the social partners</p>	<p>2003-2004 ARs: According to the Government: The Wage and Hour Division have held stakeholder meetings where it sought comments from employers, unions and child advocacy groups regarding the NIOSH recommendations.</p> <ul style="list-style-type: none"> - Stakeholders can and do provide the Department and other concerned agencies with information about the existence of illegal child labor, as well as receiving relevant information from the Government. - Child labour regulations are issued through notice-and-comment rulemaking, subject to the requirements of the Administrative Procedure Act, 1947 (APA), in which employers' and workers' organizations are entitled to, and do, participate.
	<p>Promotional activities</p>	<p>2012 AR: According to the Government: As discussed in earlier reports, WHD maintains a web site called YouthRules!, which continues to provide a gateway to child labor compliance information for children, parents, employers, and educators (http://www.youthrules.dol.gov/index.htm). In addition, every WHD region conducts outreach activities, including presentations in schools and colleges, distribution of informational literature, and public service announcements in local media, both in Spanish and English. To facilitate outreach to stakeholders, WHD is creating a new position in its regional offices: community outreach resources planner. This will be a special position dedicated for all program areas to reach out to stakeholders and gather evidence to better integrate targeting and planning enforcement initiatives. Twenty positions have been funded initially, which will be strategically located in 20 of WHD's 50 district offices. As part of its Grain Handling Initiative, discussed below, DOL's Occupational Health and Safety Administration (OSHA) has updated training and outreach tools designed for both employers and workers. In August 2010, OSHA developed and released a factsheet that addresses grain bin entry and necessary safety precautions. In August 2011, it issued a Hazard Alert and an illustrated hazard wallet card for workers that clarify worker age restrictions for this industry and provide safety rules that must be followed if a worker will enter a grain bin or silo. OSHA has also modified and updated its public Safety and Health Topics Page on grain handling to better highlight and explain the hazards associated with this industry. Additionally, the agency is exploring the use of public service announcements and outreach through articles and compliance assistance specialists/training to reach a broader audience. OSHA participated in local activities and events throughout the United States such as career expos and fairs, training seminars, and youth programs for children under 18 years of age, to keep teens safe and healthy on the job and to make them aware of their rights under the Occupational Health and Safety Act of 1970, 29 U.S.C. 553, 651 to 678. During the first half of FY 2011, OSHA Regional and Area Offices participated in more than 300 outreach events in which youth under 18 years of age were a focus. Examples include the Construction Education Foundation of Georgia Career Expo, the Youth Safety in Construction Day in Philadelphia and the SkillsUSA competition in Kansas City. Also, OSHA staff, in cooperation with WHD, gave presentations on child safety to the National Safety Council Congress, the Annual Meeting of the American Public Health Association and a training meeting of Youth Build grantees. Similarly, an OSHA staff member participated in a webinar for YouthBuild on construction safety and provided information on three youth-oriented curricula for program grantees and other staff. OSHA's web site directed specifically to teen workers (http://www.osha.gov/SLTC/teenworkers) was updated in April 2010 and is currently undergoing more revisions and updates.</p>

		<p>2011 AR: According to the Government: As part of its agricultural enforcement initiative, the WHD has increased its public outreach. For example, the WHD engaged with employers growing blueberries in North Carolina to work to educate them on the legal requirements governing the employment of youth, which contributed to a much lower incidence of violations in that sector. As part of this effort, signs were placed in fields stating the legal requirements for youth in the agricultural setting. In addition, the WHD’s YouthRules! Web site continues to provide a gateway to child labor compliance information to young workers, parents, employers, and educators (http://www.youthrules.dol.gov/index.htm). The Occupational Safety and Health and Administration (OSHA) continues to provide outreach to young workers, their parents, employers and educators. In FY 2010, OSHA implemented major revisions to its Young Worker Web site (https://www.osha.gov/SLTC/teenworkers/index.html). The goal of the revisions was to make the site more appealing to target audiences and to update the information provided there. Included in the improvements were the additions of links to the WHD’s revised child labor regulations so that users could easily access these new regulations. There remains an active referral process between the two agencies regarding young workers. OSHA enforcement staff worked collaboratively with the WHD during 2010 on a number of investigations where violations of both agencies’ regulations were identified. In April 2010, OSHA hosted the <i>National Action Summit for Latino Worker Health and Safety</i>. This event was well attended by OSHA staff, labor representatives and young worker advocates, and featured speakers on young worker safety and health. Numerous bi-lingual training materials were distributed at the Summit along with special materials for illiterate users. These materials were suitable for young workers as well as adults. The Federal Interagency Network of Young Worker Safety and Health (FedNet), hosted by OSHA, continues to meet quarterly and has added new participants from federal agencies over the past year. This group is designed to share resources, reduce redundancy and provide a network for information dissemination related to young worker safety and health.</p> <p>2010 AR: According to the Government: The Occupational Health and Safety Administration (OSHA) continues to carry out education and outreach programs to improve workplace safety for working youth and continued to focus on safety related to construction jobs for FY09. It also has a website specifically for teen workers (http://www.osha.gov/SLTC/teenworkers/index.html) that was updated in FY 09. OSHA is reworking its 10-hour course to focus on teens and a pilot for this course is being tested in the state of Washington. A related course has been developed by NIOSH called Talking Safety which is being implemented by a number of states in the public education curricula. In addition, the Federal Network for Young Worker Safety (FedNet), an interagency task force in which federal agencies coordinate and work together to build on existing activities and broadly disseminate available tools and resources, has also continued its activities. Recent examples of such activities include working to establish a website that will communicate information regarding FedNet, continuing to distribute information designed to inform young landscape workers of their rights and resources available to them in English and Spanish, presenting information at conferences of national organizations whose members include or serve the youth population, and revising a NIOSH publication to create a useful guide to numerous federal agencies that focus on young workers.</p> <p>2009 AR: According to the Government: On 21 April 2008, the Secretary of the Department of Labor kicked off the Occupational Health and Safety Administration’s (OSHA) National 2008 Teen Summer Job Safety Campaign on national television in New York City, stating, “The Teen Summer Job Safety Campaign educates teenagers on the importance of workplace safety and health habits that will help protect them and their coworkers at work”. The viewership for this particular program (the TODAY Show) during the week of the Secretary’s appearance averaged over 5 million viewers. The event was also picked up by national public radio, several trade magazines, and many local media across the nation. In addition, OSHA hosted and participated in local events and activities around the country, such as career fairs, youth programs, expos, and training seminars, to help keep teenagers safe and healthy on the job. Through working with many strong national and regional partners and other cooperative programs, OSHA reached thousands of teens, parents, employers and educators. Several other DOL agencies (JobCorps, YouthBuild, the Employments Standards Administration’s Wage and Hour Division (WHD)) collaborated with OSHA in these events and provided resources and support for the Campaign. OSHA also developed a unique web site to promote teen summer job safety. The web site address was disseminated widely and resulted in over 28,000 hits between the kick-off (21 April) and the end of June 2008; a record that significantly exceeded the 2007 level. The WHD too has continued to carry out its Youth Rules! Rallies, education, and outreach, which have been described in earlier reports.</p>
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	<p>Special initiatives/Progress</p>	<p>2012 AR: According to the Government: In the last update, the United States reported on WHD's agricultural initiative aimed at protecting the rights of farm workers, including children, under the FLSA and the Migrant and Seasonal Worker Protection Act, 29 U.S.C. 1801, <i>et seq.</i> This initiative is ongoing as a priority area of enforcement.</p> <p>In an effort to reduce grain entrapment incidents and fatalities, some of which may involve children under 18 years of age, OSHA has embarked on an initiative focusing on protecting workers in grain handling operations by increasing enforcement and inspection activities in this industry. OSHA initiated Regional and Local Emphasis Programs that focus on areas of the country where grain handling, grain milling, rice milling, animal feed preparation, farm-product warehousing and production of grain are concentrated. In 2010, OSHA conducted over 298 inspections of such operations. This is roughly a 60 per cent increase from the 2008 inspection level. Approximately 72 per cent of these inspections identified violations of OSHA standards. Roughly 6.5 per cent of these inspections identified willful or repeat violations of OSHA standards. Besides enforcement inspections, OSHA sent notice letters - in August 2010 and in February 2011 - to more than 13,000 grain elevator operators reminding them of their responsibility to follow proper safety precautions, including prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from "walking down the grain" and ensuring that employees enter the bin with the proper safety equipment.</p> <p>OSHA also initiated a Campaign to Prevent Heat Illness in Outdoor Workers for the summer of 2011, to address heat-related fatalities in agriculture. The campaign stresses the critical importance of water, rest and shade to prevent heat-related illnesses and fatalities and covers agriculture and construction workers. There is a special focus on outreach to new workers, which would include many workers less than 18 years of age, who have not been acclimated to excessive heat and often suffer more serious heat-related illnesses.</p>

		<p>2011 AR: According to the Government: The WHD has embarked on an agricultural initiative aimed at protecting the rights of farm workers, including children, under the FLSA and the Migrant and Seasonal Worker Protection Act, 29 U.S.C. 1801, <i>et seq.</i> Agricultural sector inspectors and child labor inspectors are working in concert to inspect agricultural workplaces at times that children are more likely to be present, in particular, after school and on weekends. As an example, during the 2010 growing season, the WHD focused on various types of growers, particularly blueberry growers, and their farm contractors in a number of states, including New Jersey and North Carolina.</p> <p>2010 AR: According to the Government: the Trafficking Victims Protection Reauthorization Act of 2008 was enacted in December 2008, Pub. L. 110-457, 122 Stat. 5044 (2008), which reauthorized the Trafficking Victims' Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464 (2000), for four years and authorized new measures to combat human trafficking, including efforts to increase effectiveness of anti-trafficking-in-persons programs, providing interim assistance for potential child victims of trafficking, and enhancing the ability to criminally punish traffickers. This legislation may be found at http://www.usdoj.gov/olp/materials-ww-tvpra.htm. Moreover, in February 2008, the Wage and Hour Division (WHD) of the Department of Labor (DOL) implemented an initiative to investigate establishments likely to employ minors in violation of Hazardous Order 12 relating to balers and compactors used to process waste materials. Its YouthRules! Webpage continues to provide a gateway to child labor compliance information on the internet (http://www.youthrules.dol.gov/index.htm).</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>NIL.</p>
		<p>Workers' organizations</p>	<p>2003-2004 ARs: The AFL-CIO strongly disagreed with the draft update to the report on child labour prepared by the Government of the United States for the year 2003.</p> <p>2003 AR: Observations by the AFL-CIO through the government: the draft report did not provide information on current United States practice with respect to enforcing child labour laws; the draft said nothing about the U.S. practice.</p> <p>2002 AR: ICFTU's observations: A major area of abuse is the agricultural sector, particularly as regards children of migrant workers. The school-leaving age is not set at the national level. Encourages the Government to ratify C.138.</p>
	<p>According to the Government</p>	<p>2012 AR: According to the Government: The current challenges have not changed since last year. Constant education is still needed to reach children as they become old enough to be hired by employers, particularly with respect to agricultural employment. The nature of this employment, e.g., its short duration, the remote locations, and the mobility of the work, poses enforcement challenges. These challenges include: reluctance of children without legal authorization to work, or whose parents are not authorized to work, to assert their rights; children accompanying their parents to the fields due to the lack of day care services; and language barriers between children and their parents and the employer. As discussed above, DOL has engaged in strategies to address these challenges</p> <p>2011 AR: According to the Government: Constant education is needed to reach children as they become old enough to be hired by employers, particularly with respect to agricultural employment. The nature of this employment, e.g., its short duration, the remote locations, and the mobility of the work, poses enforcement challenges. These challenges include: reluctance of children without legal authorization to work, or whose parents are not authorized to work, to assert their rights; children accompanying their parents to the fields due to the lack of day care services; and language barriers between children and their parents and the employer.</p> <p>2009 AR: Teen workers are typically seasonal, temporary, or short-term workers. This may result in these teenagers not receiving the full complement of training that an adult full-time worker would receive.</p> <p>2003 AR: In the informal sector of the economy, the employment of children in door-to-door sales raises concerns about their safety and welfare.</p>	

TECHNICAL COOPERATION	Request	NIL.
	Offer	NIL.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS/ OBSERVATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) were concerned that few governments, such as the United States (and three other governments), had indicated their current lack of effort to ratify C.138 and/or C.182 (cf. paragraph 57 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs listed the United States among the countries where some efforts are being made in terms of research, advocacy, activities, social dialogue, national policy formulation, labour law reform, prevention, enforcement and sanctions mechanisms and/or ratification. They also mentioned the following: “Australia, New Zealand and the United States have expressed their intention to renew their assistance to other States and international organizations to combat child labour, including in its worst forms. Their assistance ranges from financial aid to participation in international forums. It is important to maintain a continuity of social programs to combat child labour. Once programs are interrupted, it is difficult to maintain the momentum. The sustainability of such programs will be enhanced with the active support of employers’ and workers’ organizations” (cf. paragraphs 13 and 234 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS/ OBSERVATIONS	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>	
INTERNATIONAL LABOUR CONFERENCE RESOLUTION	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>	



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2004-2012) ¹: VANUATU

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the 2006 Annual Review (AR). Vanuatu joined the ILO in 2003.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Vanuatu Chamber of Commerce and Industry (VCCI) and the Vanuatu National Workers' Union (VNWU) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2012 AR: Observations by the VCCI. 2006 AR: Observations by the VCCI.	
	Workers' organizations	2012 AR: Observation by the VNWU. 2008 AR: Observations by the VNWU. 2007 AR: Observations by the VNWU. 2006 AR: Observations by the VNWU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Vanuatu has ratified in 2006 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, it has not yet ratified the Minimum Age Convention, 1973 (No. 138) (C.138). Vanuatu ratified the United Nations Convention on the Right on the Child (CRC) in 1992
		Ratification intention	YES, in process, since 2005, for C.138. 2012 AR: In August 2011 the ILO presented a tripartite workshop to promote ratification of C.138. At the time a draft Bill to amend the Employment Bill to apply C.138 was presented to tripartite constituents for their consideration. The government has reviewed and approved the draft amendment and now needs to make submissions to the Council of Ministers in support of C.138 ratification. * N.B. At the workshop VCCI and the VNWU also expressed their support to the ratification of C.138.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

			<p>2009 AR: According to the Government: The Declaration relevant to C.138 is being prepared for communication to the ILO, and the Government would very much appreciate ILO technical assistance in this process.</p> <p>2008 AR: According to the VNWU: There are few hurdles that Vanuatu has to deal with first before engaging in ratification of C.138.</p> <p>2007 AR: According to the Government: Vanuatu has already ratified C.182 and C.138 has also been ratified by the Parliament of the Republic of Vanuatu, and it is being processed to the ILO for final registration.</p> <p>2006 AR: The Government intended to ratify very soon C.138 and C.182. It had also initiated a Labour Law Reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of these instruments. Ratification of C.29 and C.105 is supported by the VCCI and the VNWU. The Government requested ILO's support in the ratification process.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO.	
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> Policy: NO, however: 2008 AR: The Government indicated that it has set up the Decent Work Program, which includes the PR. 2006 AR: The Government intended to adopt a policy on the principle and right (PR) <ul style="list-style-type: none"> Legislation: The relevant provisions regarding this principle and right are found in the Employment Act (Cap. 160), 1983; sections 39-44 provide for the minimum age for admission to employment ranging from 12 (with exceptions) to 18 depending on the type of work performed. 	
	Basic legal provision:	The Employment Act (Cap. 160), 1983 (sections 39-44).	
	Judicial decisions	NIL.	
Exercise of the principle and right	Compulsory education	Not specifically but under the Education Act a duty is imposed on parents to ensure that their children attend school until the age of 14. Education is however, not free in Vanuatu and Principals are empowered under the Education Act to exclude from school, children whose parents have not paid their fees.	

		Minimum age	<p>Various minimum ages for employment are currently provided for by the Employment Act.</p> <p>Hazardous work: not defined.</p> <p>Sections 38 to 44 of the Employment Act prescribe certain minimum ages at which children are allowed to engage in different types of work. Children under 12 may only engage in light work in their own family's agricultural undertaking. Children under the age of 14 may only engage in light domestic or agricultural work but may do so outside their family's undertaking in the community. The general minimum age for employment is effectively set at 14, with the limitation that 14 year olds may not undertake industrial work or work on any ship. All children under the age of 18 are prohibited from engaging in night work without the permission of the Commissioner and are prohibited from working on a ship without certification of fitness by a medical practitioner.</p>
		Worst Forms of Child Labour	C.182 is ratified.
		Special attention to particular situations	NO.
		Information/ Data collection and dissemination	<p>NO, however:</p> <p>2006 AR: Vanuatu has carried out, in cooperation with the Government of Australia, several surveys on children, including child labour and its worst forms. The last population census was held in 1999, and the lowest age of persons for whom questions were asked about economic activity was 15 years.</p>
	Monitoring, enforcement and sanctions mechanisms	<p>2009-2010 ARs: According to the Government: The Department of Labour has and will continue to increase its human resources in order to effectively and efficiently monitor and enforce labour laws. The Government has also allocated sufficient funds for the Department of Labour to carry out this particular activity.</p> <p>2008 AR: According to the Government: a Tripartite Steering Committee comprised of Government's, employers' and workers' representatives, was created.</p> <p>2006 AR: According to the Government: Specific measures/programs have been implemented in the country to bring about the effective abolition of child labour. As part of the Pacific Children's Program funded by the Government of Australia, Vanuatu has carried out several surveys on children, including child labour and its worst forms.</p> <p>With a view to bringing about the effective abolition of child labour, legal reform and inspection/monitoring mechanisms are being envisaged to enforce minimum age(s) for admission to employment/work and/or to eliminate the worst forms of child labour. However, no special attention is given to the needs of particular groups of children, including those working in the informal sector.</p>	
	Involvement of the social partners	<p>2012 AR: According to the Government: The ratification process and the need for labour law amendment in relation with the C.138 are being considered with the social partners. Moreover, a National Tripartite Advisory Board has is functioning for the first time since 1 May 2012.</p>	

	<p>Promotional activities</p>	<p>2012 AR: According to the Government: national tripartite workshop to promote ratification of C.138 was organized in August 2011, in cooperation with the ILO. During this activity, a draft Bill to amend the Employment Bill in accordance with the provisions of C.138 was presented to tripartite constituents for their consideration. The ILO has offered further technical assistance to draft submissions for the Council of Ministers to promote C.138 ratification and implementation.</p> <p>2010 AR: According to the Government: The Department of Labour has issued a number of press releases on labour laws and will continue to promote major labour legislation awareness programmes in 2010.</p> <p>2008 AR: According to the Government: awareness raising activities on labour legislation are currently ongoing in Port Villa and will be extended to the other islands of Vanuatu in the coming year.</p> <p>2007 AR: A tripartite delegation of Vanuatu participated in the Celebration of the 30th of the ILO Presence in the Pacific Region organized in Suva, Fiji in December 2005. During this event, the Government of the Republic of Vanuatu presented a Letter of Intent to ratify all ILO fundamental Conventions.</p> <p>2006 AR: According to the Government: A labour law reform is being carried out in Vanuatu in consultation with the ILO.</p>	
	<p>Special initiatives/Progress</p>	<p>2012 AR: According to the Government: On Labour Day, 1st May 2011, the Tripartite Labour Advisory Council was formally launched by the Deputy Prime Minister with the Minister responsible for Labour. This new Council is responsible for, among other things, driving the labour law reform process to better apply core and governance Conventions</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2006 AR: According to the VCCI: Although this PR is adequately recognized in Vanuatu, the main obstacles that have been encountered in the country in realizing the PR are as follows: (i) School fees are high and many people cannot afford to pay them – this might encourage child labour; and (ii) lack of adequate legislation (uncertainty of the law).</p>
		<p>Workers' organizations</p>	<p>2008 AR: According to the VNWU: (i) the appointment to the Labour Advisory Board is not nominated by the trade union movement. Therefore, all attempts to implement all ratified ILO Conventions effectively in the country are being sidestepped by the Commissioner of Labour; (ii) no attempt by the Government has been initiated to promote new tripartite activities following discussions with ILO representatives.</p> <p>2007 AR: According to the VNWU: without proper knowledge, trade unions cannot assess the realization of the PR in Vanuatu satisfactorily. They do not have the capacity to provide information on the real situation and that is the challenge. The ILO needs to assist the union to work out the kind and amount of technical cooperation needed. Moreover, it is only when reacting to issues raised by unions that the Government can then dialogue with them. Therefore, there is an urgent need to set up immediately a Tripartite Consultative Meeting as has been requested by the trade union movement over the last 10 years.</p> <p>2006 AR: According to the VNWU: The main obstacles that have been encountered in Vanuatu in realizing the PR are as follows: (i) lack of adequate legislation; (ii) lack of workers' education program on the PR; (iii) lack of public awareness and support on child labour issues; (iv) social and economic circumstances together with poverty bring about child labour, mostly at home; (v) lack of free and compulsory system also feeds child labour in Vanuatu; and (vi) some cases of prostitution exist among high school girls and a few high school boys in order to pay for school fees.</p>

	According to the Government	<p>2008 AR: The Government indicated that tripartite discussions on the PR are weak.</p> <p>2006 AR: According to Government: The main obstacle that has been encountered in Vanuatu in realizing the PR is that the concept of child labour is not understood and recognized. This explains why there is no minimum age for admission to employment or work, nor compulsory schooling age.</p> <p>In response to the VCCI and VNWU observations, the Government mentioned that in the forthcoming labour law reform, wide consultations including the Ministry of Education and VCCI would be organized in view of tackling the issue of child labour and ensuring that this PR is fully realized in Vanuatu.</p>
TECHNICAL COOPERATION	Request	<p>2012 AR: According to the Government: A national tripartite workshop to promote ratification of C.138 was organized in August 2011, in cooperation with the ILO. During this activity, a draft Bill to amend the Employment Bill in accordance with the provisions of C.138 was presented to tripartite constituents for their consideration. The ILO has offered further technical assistance to draft submissions for the Council of Ministers to promote C.138 ratification and implementation.</p> <p>2010 AR: The Government requested ILO technical support to carry out its legislative reviews in accordance with the International Labour Standards. It further requested ILO technical assistance to speed up the ratification process for C.138 that is now being delayed.</p> <p>2008 AR: According to the Government: ILO technical assistance is required regarding labour law review and capacity building.</p> <p>The VNWU required ILO assistance for more training and for organizing tripartite discussions as soon as possible.</p> <p>2007 AR: In the light of new ratifications, the Government Vanuatu requests ILO technical cooperation to carry out a case study on the realization of the Fundamental Principles and Rights at Work in the country. This case study should be validated by a national workshop on this issue with recommendations on how to better realize these principles and rights in the country. Labour officers and employers' and workers' representatives also need further ILO training at national and international levels.</p> <p>According to the VNWU: Without any training on C.138 and C.182, the consultations were not comprehensive enough to rule out child labour.</p> <p>2006 AR: According to Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Vanuatu in particular in the following areas, in order of priority: (1) Legal reform; policy advice; data collection and analysis; employment creation, skills training and income generation; special programme for the elimination of the worst forms of child labour; (2) Capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; social protection systems; awareness raising, legal literacy and advocacy; (3) Sharing of experiences across countries/regions; cross-border cooperation mechanisms; inter-institutional coordination; training of other officials (police, judiciary, social workers, teachers).</p> <p>These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for Vanuatu.</p> <p>The employers' and workers' organizations supported the Government's request that a national IPEC Programme should be launched in Vanuatu. They also mentioned specific needs for ILO technical cooperation to facilitate the realization of the PR in Vanuatu. According to the VCCI: (i) capacity building of the VCCI in promoting the PR among employers in Vanuatu; and (ii) labour law reform.</p> <p>According to the VNWU: (i) legal reform; and (ii) workers' education program.</p>
	Offer	<p>ILO (including labour law reform and assistance in reporting under the 2006 AR), UNESCO, UNICEF, UNDP, INTERPOL, the Government of Australia (Pacific Children Programme), the Government of New Zealand, and national NGOs.</p>

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed the following: “The Annual Review has made it possible to highlight and follow up country situations that require greater attention. Some countries have made important efforts during this process, for instance the Gulf States, China and new member States, in particular in the South Pacific. However, more needs to be done.”</p> <p>2006 AR: The ILO Declaration Expert-Advisers noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Vanuatu and two other reporting countries there was no compulsory schooling (paragraph 58 of the 2006 Annual Review Introduction).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2009 AR: During its March 2009 Session, the Governing Body included the Review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf</p>



GENERAL OBSERVATION BY THE INTERNATIONAL ORGANISATION OF EMPLOYERS (IOE) UNDER THE 2012 ANNUAL REVIEW¹

As in the 2011 Annual Review, the IOE sent a statement outlining its position and activities with regard to the Declaration and its follow-up, which is reproduced here in extenso².

The International Organisation of Employers (IOE) gives the highest priority and continues to fully support the ILO Declaration on Fundamental Principles and Rights at work and its follow up, and [it] again thanks the Office for giving [IOE] an opportunity to give our views under the Annual Follow-up concerning Non-Ratified Fundamental Conventions.

The IOE believes strongly in the Office having the resources allocated to both promote the Declaration as a whole but also to be able, through ACTEMP, to resource technical co-operation activities for Employers. [It] noticed for some years now that such resources are no longer being allocated sufficiently to allow the IOE to support promotional activities based on the 4 principles. [IOE] hope is that this should soon be corrected.

Below are some of the most important activities undertaken by the IOE in its efforts to promote the Declaration and its four principles (for a better explanation, comments are divided into three parts):

- I. IOE efforts to support the Declaration
- II. IOE initiatives in relation to the four Fundamental Principles
- III. Areas of concern

I. IOE efforts to support the Declaration

1. The IOE position paper

The IOE used its updated position paper on the Declaration as a guide for the Employers Group 2010 debate on the future of the follow up. The Employers Group believes it is incumbent on the Office to take the consensus conclusions of that discussion forward as part of its efforts to ensure that the Declaration maintains its visibility and usefulness to Member States.

2. The Global Report. ILC Discussions

The IOE continues its role of supporting the Employers Group in the discussions of the Global Report during the annual International Labour Conference. This debate should be seen as the premier means of promoting the Declaration to the assembled constituents. However, problems persist with the nature of the ILC debate and (IOE) continue to look for ways of working with the Office, Governments and Workers to ensure the Declaration discussion is as dynamic and as useful as possible. The IOE sees the Office as having an important role in realizing this shared constituent objective.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and the ILO Governing Body.

² With some light editing by the Office.

3. *Corporate Social Responsibility*

The IOE through its member Employers' Organisations, continues to work to ensure the proper use of the Declaration within CSR activities, recognizing that the Declaration is itself a call to member States to promote the Principles.

The IOE continues to support members in the use of ISO 26000 as a guidance standard that incorporate the principles of the Declaration within its text.

Through ACTEMP TURIN, the IOE was involved in a series of seminars across Europe on Transnational Company Agreements, hosted by Business Europe, BDA, CEOE, MEDEF, FEB, VNO NCW that looked at developments surrounding European and International agreements where the Declaration is often a reference text to the parties concluding such agreements. Further seminars in London and Copenhagen will be undertaken by the end of this year.

In 2011, the IOE Guide for Employers on International Framework Agreements (IFA's) was again revised.

The IOE also continued to work closely with Prof. John Ruggie in the lead up to the UN Council for Human Rights adoption on the Guiding Principles on Business and Human Rights that includes a reference to the Declaration as a tool for companies to be cognisant of in this area. The IOE is developing resource material for its members on the Principles and will continue to ensure the clear identification of the labour rights aspects of the Declaration in conformity with the intent and purpose behind its creation. The IOE expects the Office to be vigilant to its efforts to also ensure the Declaration is used correctly by all actors in the wide human rights debate

4. *Global Compact*

The IOE is fully active in the support to the Global Compact. The IOE Secretary General is a standing member of the Global Compact Advisory Board as well as co-chair of the Global Compact Labour Group that continues to look for ways to promote the 4 labour principles in a manner consistent with the activities and political decisions of the ILO with regards to the promotion of the Declaration itself. The ILO, mainly through IPEC, MNE & ACTEMP, extensively collaborates in the delivery of the Global Compact.

Many IOE members are active regionally and lead the local network offices of the Global Compact.

A guide on the labour principles has been created in conjunction with the ITUC to give practical guidance to Global Compact companies on the 4 labour principles.

II. IOE efforts to promote the four Fundamental Principles

■ *Freedom of Association and the effective recognition of the rights to collective bargaining*

[Reference is made to IOE's position in the Committee on Freedom of Association and in the Governing Body.]. It is important that the ILO itself, in its promotion efforts, recognizes that this principle does not only pertain to Workers' Organisations and that Employers can expect the same levels of ILO engagement and support when their Freedom of Association is infringed.

■ *The elimination of all forms of forced or compulsory labour*

Political events in the Arab region prevented an initiative of the Employers on this principle taking place this year. Notwithstanding this, the IOE continues to promote the joint ILO/IOE publication "Combating Forced Labour: A Handbook for Employers and Business" along with the complementary IOE guide "Forced Labour: Why is it an issue for Employers

■ *The effective abolition of child labour*

The IOE continues to follow the outcomes of the Global Conference on Child labour held in the Hague last year and to work to ensure consistency in work arising from the action plan and the IPEC work programme.

IOE is working with IPEC on a special project concerning the application of due diligence tools to child labour consequent to the adoption of the Guiding Principles on Business and Human Rights.

■ *The elimination of discrimination in respect of employment and occupation*

IOE's long standing work on HIV/AIDS continues and will work closely with the Office on the follow up to the ILC Recommendation adopted in 2010.

The IOE worked with ACTEMP on an initiative to establish two disability networks in the US and Africa to help with the exchange of good practice amongst Employer's Organisations and companies.

Youth unemployment persists and is in fact further deteriorating. IOE and the Employer Group see this as a priority area for IOE action and were pleased to see its proposal for a discussion on youth employment to be included in the ILC agenda of 2012.

III. Areas of concern

The IOE sees the 1998 Declaration as an indispensable tool for the realization of the values of the ILO. It recognizes that this realization can come about regardless of the ratification of the Conventions from which the principles are drawn. Capturing these innovative steps are an important information resource for constituents and the Office to draw upon in their own promotional work.

However, such efforts require the Declaration department and the sections dealing with the 4 principles to have the means to do so, including resources to help Employers and the IOE in their own promotional work.

[IOE] remains ready as [it] always have to work with the Office in delivering Employers' needs with regards to the Declaration and welcome any Office initiative to reach out and better understand what the Employers Group need and expect from the Office with regard to its activities going forward.

This Declaration as a solemn consensus statement of the constituents needs to continue to be seen as a valuable and well supported instrument both within and outside the ILO.