



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: AFGHANISTAN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the 2005 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Chamber of Commerce of Afghanistan (CCA) (except for the 2006 AR) and the All Afghanistan Federation of Trade Unions (AAFTU) through consultations or communication of the Government's reports..	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: The Chamber of Commerce of Afghanistan (CCA)	
	Workers' organizations	2007 AR: Observations by the AAFTU 2006 AR: Observations by the Afghanistan Workers' Association (AWA)	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Afghanistan 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	Under consideration since 2006 for both C. 138 and C. 182. 2007 AR: According to the Government: Ratification of C.138 and C.182 will be soon submitted to the newly established Parliament. The CCA supported ratification of C.138 and C.182 by Afghanistan. The AAFTU supported ratification of C138 and C.182 by Afghanistan and hoped that the Government would accelerate this process. 2006 AR: According to the Government: C.138 and 182 are in the process of ratification. The Afghanistan Workers' Association (AWA) supported the ratification of C.138 and C.182 by Afghanistan and hoped that this would take place soon.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL

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 by the ILO Governing Body.

		Legislation, regulations and/or policy	<p>2005 AR:</p> <ul style="list-style-type: none"> • Policy: According to the Government: There is a national policy/plan aimed at ensuring the principle and right (PR). In this respect, two national commissions on children’s rights have been established: the Commission on the Abolition of Child Trafficking and the Child Protection Commission. • Legislation: The Labour Code.
		Main legal provisions	The Labour Code
		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	NIL
		Minimum age	<p>2006 AR: According to the Government: The new Constitution (2004) provides that education for all shall be free and compulsory. The 1987 Labour Code provides for a minimum age of 14 years for admission to employment or work for both boys and girls.</p> <p>2005 AR: General minimum age for admission to employment or work: 15 years for both boys and girls.</p> <p>This general minimum age covers the following types of work: work performed in a family-owned/operated enterprise; work performed in enterprises below a certain size; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and export processing zones.</p> <p>Hazardous work: minimum age of 15 years for both boys and girls.</p> <p>National legislation defines hazardous work.</p> <p>The minimum age for engaging in hazardous work is 15 years for both girls and boys.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Worst Forms of Child Labour	<p>2005 AR: According to the Government: The Labour Code prohibits the worst forms of child labour. The types of work covered are: operating big/heavy machinery; working in coal mines; chemical laboratory; and drug trafficking.</p> <p>With regard to the worst forms of child labour, sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict, prostitution, illicit activities, in particular production and trafficking of drugs and the sale of body organs exist in Afghanistan for both boys and girls. However, child pornography does not exist.</p>
		Information/Data collection and dissemination	2006-2007 ARs: According to the Government: There is a lack of information on child labour in Afghanistan.
	Monitoring, enforcement and sanctions mechanisms	NIL	
	Involvement of the social partners	NIL	

	Promotional activities	<p>2007 AR: According to the Government: A National tripartite workshop on international labour standards, the Declaration and social dialogue was also organized in 2006 in cooperation with the ILO. The CCA stated that it participated in these workshops and in the labour law review process. The AAFTU mentioned that it participated in these workshops.</p> <p>2005 AR: According to the Government: Vocational training centers have been established, in cooperation with NGOs, in order to attract children off the street and withdraw them from work. Establishment of two commissions: the Commission on the Abolition of Child Trafficking and the Child Protection Commission.</p>	
	Special initiatives	<p>2007 AR: According to the Government: For the first time, the World Day Against Child labour has been celebrated in Afghanistan in cooperation with the ILO and with the participation of employers' and workers' organizations, NGOs and child workers. Furthermore, the Government approved a first national strategy for children at risk that also includes a section on the fight against child labour. About 12,000 child workers are being provided with basic education and vocational training for their self sufficiency. This action is coordinated by the Government and NGOs. The Ministry of Martyrs, Disabled and Social Affairs also drafted a new Labour Law in 2006, in cooperation with the social partners, and the ILO the comments of which have been integrated. In this draft labour law, the minimum age for admission to employment or work is 15 years, but apprenticeship can start at 14 years of age. The AAFTU mentioned that: (i) it was working to improve education for very poor children; (ii) it organized activities against child labour; and (iii) its major objective was the realization of the FPRW in the country.</p> <p>2006 AR: According to the Government: In 2005, 5.5 million children are going to school in Afghanistan. Moreover, 12,000 out of 50,000 street children are benefiting from literacy and vocational training programmes. In addition, a national tripartite seminar on International Labour Standards was organized in May 2005 with ILO technical assistance.</p> <p>2005 AR: According to the Government: As a successful example, one can consider the preventive measures that have been adopted by Afghanistan against child trafficking.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	2007 AR: The AAFTU observed that: (i) two and a half decades of war devastated the economy of Afghanistan, and now the poverty rate is high while the foreign aid rate is low; (ii) given the high poverty rate, there are many street children vendors and beggars; (iii) the Government did not consult with AAFTU in the labour law review process.
	According to the Government	2005 AR: According to the Government: The main obstacles encountered in Afghanistan with respect to realizing the PR are terrorism, lack of security and the easy availability of weapons.	

TECHNICAL COOPERATION	Request	<p>2007 AR: According to the Government: ILO technical cooperation should be sustained to help Afghanistan better implement the new labour law and realize the FPRW. Labour Inspection and employers' and workers' organizations need ILO support for training and capacity building. A case study on the FPRW is needed in the country.</p> <p>According to the CCA: (i) ILO technical cooperation would be need for training and capacity building of employers' organizations in Afghanistan to facilitate the realization of the FPRW; and (ii) the CCA supports the Government's request for a case study on the FPRW in Afghanistan.</p> <p>According to the AAFTU: (i) The AAFTU strongly needs ILO support for capacity building and training among its affiliates and members; and (ii) it also supports the Government's request for a case study on the FPRW in Afghanistan.</p> <p>2006 AR: Technical cooperation: The Government requests ILO technical cooperation for the education and training of the 38,000 street children who cannot benefit from Government assistance due to lack of means. In addition, the Government requests the establishment of an ILO/IPEC Programme to rehabilitate child soldiers and beggars and fight against child labour in the country. The Government also reiterates its request for ILO technical cooperation to facilitate the realization of the PR in Afghanistan, in particular in the following priority areas: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; sharing of experiences across countries/regions; policy advice; legal reform (labour law and other relevant legislation); capacity building of responsible Government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation for vulnerable workers; development of social protection systems; rural development policies (for example, land reform, rural infrastructure, agricultural extension, marketing, micro-finance); cross-border cooperation mechanisms; and coordination between institutions (e.g. various ministries and relevant commissions).</p> <p>Moreover, the Government reiterates its request for ILO assistance to elaborate a national Declaration Programme to promote all FPRW, including this PR. This could be preceded by a national seminar on the ILO Declaration on Fundamental Principles and Rights at Work initiated by the Government.</p> <p>The AWA requested ILO technical cooperation to promote the PR amongst members.</p> <p>2005 AR: According to the Government, there is an urgent need for ILO technical cooperation to facilitate the realization of the PR, in all areas: (i) legal reforms; (ii) policy advice; (iii) capacity building of responsible government institution (e.g. labour inspection and administration); (iv) training of other officials (e.g. police, judiciary, social workers, teachers); (v) data collection and analysis; (vi) strengthening capacity of employers' and workers' organizations; (vii) employment creation, skills training and income generation; (viii) social protection systems; (ix) awareness raising, legal literacy and advocacy; (x) sharing of experience across countries/regions; (xi) cross-border cooperation mechanisms; (xii) inter-institutional coordination; and (xiii) special program for the elimination of the worst forms of child labour.</p>
	Offer	<p>2005 AR: ILO/IPEC; local and International NGOs.</p>
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2005 AR: The ILO Declaration Expert-Advisers note with particular interest the reporting from Afghanistan in spite of the serious difficulties the country has to face with (paragraph 8 of the 2005 Annual Review Introduction).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>NIL</p>	

COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: AUSTRALIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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 Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU) through communications of 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	Australia ratified in December 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>No, according to the Government, ratification of C. 138 is not possible for technical 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 C182.</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</p>

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			<p>Australian legislation is in compliance with C.182.</p> <p><i>Northern Territory</i> –The Northern Territory Government is fully supportive of ratification of C.182 and Northern Territory legislation is in compliance with C.182.</p> <p><i>Australian Capital Territory (ACT)</i> – ACT Government is fully supportive of ratification of C.182 and ACT legislation is in compliance with C.182.</p> <p><i>Tasmania</i> – 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>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>NIL.</p>	
	<p>Policy, legislation and/or regulations</p>	<p>2007 AR: C182 Commonwealth Government – Federal Government legislation is fully compliant with C.182 and meets the objectives of C.182.</p> <p>NSW – NSW legislation is fully compliant with C.182.</p> <p>Victoria - <u>Child Employment Act 2003</u></p> <p>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 –</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> <p>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>	

		<p>Policy, legislation and/or regulations</p>	<p><u>Mandatory Code of Practice for the Employment of Children in Entertainment</u></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><u>Justice Legislation (Sexual Offences and Bail) Act 2004</u></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> <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.</p> <p>Key features of the Act and proposed regulation include:</p>
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		<p>Legislation, regulations and/or policy</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 covers 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. 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>
		<p>Judicial decisions</p>	<p>NIL</p>

	<p>Exercise of the principle and right</p>	<p>Compulsory education</p>	<p>2007 AR: Commonwealth Government – YES, the age of free compulsory education for both boys and girls at the end of this period is 15 years, with a general requirement of 9 years of grades or instruction.</p> <p>Victoria - Under the Education Act 1958 schooling is currently compulsory for all children between the ages of 6 and 15 years.</p> <p>The Education Act will be repealed by the recently enacted Education and Training Reform Act 2006 when it comes into operation, by 31 December 2007 at the latest.</p> <p>The main purpose of the Education and Training Reform Act is to reform the law relating to education and training in Victoria by providing for a high standard of education and training for all Victorians.</p> <p>Among other things the Act makes clear the obligation of parents to ensure their child receives an education – at school or at home – up until 16 years of age.</p> <p>The Government has invested significant resources over the past six years in strategies to increase the year 12 or equivalent completion rate in Victoria. Raising the minimum school leaving age to 16 years complements these efforts and sets the expectations of the government and broader community.</p> <p>Queensland - Queensland compulsory schooling requirements apply until the child completes year 10 or turns 16 years, whichever happens first.</p> <p>- The <i>Youth Participation in Education and Training Act 2003</i> makes provision for young people’s compulsory participation in education and training. The compulsory participation phase starts when the person stops being of compulsory school age. This phase ends when the person:</p> <ul style="list-style-type: none"> • gains a senior certificate or certificate III; • or has participated in eligible options for 2 years after the person stopped being of compulsory school age; • or turns 17. <p>- if a young person enters full-time employment (at least 25 hours per week) during the compulsory participation phase, this will be deemed to be complying with the participation requirements.</p> <p>Western Australia - YES. In Western Australia the age of free compulsory education for both boys and girls at the end of this period is 16 years, with a general requirement of 10 years of grades or instruction. This will increase to 17 years effective from 1 January 2008.</p> <p>Tasmania – From 2008 young people in Tasmania who have completed year 10 or turned 16 years will be required to participate in further education or training for further two years; or until they have gained a certificate III vocational qualification; or they have turned 17 years.</p> <p>NSW, South Australia, Northern Territory, ACT – No update in these jurisdictions.</p>
	<p>Exercise of the principle and right</p>	<p>Compulsory education</p>	<p>2007 AR :</p>
		<p>Minimum Age</p>	<p>2007 AR :</p>

	<p>Exercise of the principle and right</p>	<p>Minimum Age</p>	<p>C.138 Commonwealth Government - In relation to Minimum Age, it should be added that:</p> <p>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>South Australia – 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>Northern Territory – No new comments, as at time of reporting, no changes in legislation with regard to C138 have been enacted.</p> <p>NSW, Victoria, ACT, Tasmania – No update in these jurisdictions.</p>
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	<p>Exercise of the principle and right</p>	<p>Worst Forms Child Labour</p>	<p>Australia ratified C.182 in December 2006, after having sent its report under this principle and right (PR).</p> <p>2007 AR -</p> <p>C.182</p> <p>Commonwealth Government – Child prostitution and child pornography are prohibited under Federal, State and territory laws, including the criminal Codes, which address the worst forms of child labour. Sale and/or trafficking of children, child pornography, involvement of children in illicit activities (in particular, production and trafficking of drugs prostitution) are believed or suspected to exist.</p> <p>Victoria – <u>Child Employment Act 2003</u></p> <p>The Child Employment Act 2003 makes it unlawful to employ a child in “prohibited employment” which includes –</p> <p>(a) door-to-door sales; (b) deep-sea fishing; and (c) employment on a building or construction site prior to lock-up stage.</p> <p>These specific forms of employment have been prohibited for children under the age of 15 years in all circumstances.</p> <p><u>Justice Legislation (Sexual Offences and Bail) Act 2004</u></p> <p>Amendments to the Crimes Act 1958 by the Justice Legislation (Sexual Offences and Bail) Act 2004 have strengthened Victoria’s laws against the commercial sexual exploitation of children under the age of 18 years for the purposes of compliance with C. 182.</p> <p>Queensland - In addition to existing safeguards the Queensland Government is currently drafting a regulation to prohibit children under 18 years of age working in adult entertainment and related activities.</p> <p>Western Australia - The <i>Children and Community Services Act 2004</i> prohibits the employment of children in an indecent manner including the making of pornographic films and photographs and prostitution.</p> <p>The Criminal Code prohibits the sale and/or trafficking of drugs, debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict.</p> <p>NSW, South Australia, Northern Territory, ACT, Tasmania - No update in these jurisdictions.</p>
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	<p>Exercise of the principle and right</p>	<p>Special attention to particular situations</p>	<p>2007 AR: 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-minimization 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>Exercise of the principle and right</p>	<p>Information/Data collection and dissemination</p>	<p>2007 AR: 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: 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 authorized 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>
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	<p>Involvement of the social partners</p>	<p>2007 AR : 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>
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<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Promotional activities</p>	<p>2007 AR: 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>	
	<p>Special initiatives/Progress</p>	<p>2007 AR: Commonwealth Government - 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>	
<p>CHALLENGES IN REALIZING THE</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>NIL</p>

PRINCIPLE AND RIGHT		Workers' organizations	NIL
	According to the Government	NIL	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	

EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS	<p>2005 AR: The ILO Declaration Expert-Advisers 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 (paragraph 13 of the 2005 Annual Review Introduction). 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" (paragraph 234 of the 2005 Annual Review Introduction).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: BAHRAIN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the start of the 2000 Annual Review (AR). No change reports for the 2004, 2005 and 2006 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	2007 AR: Observations by the BCCI	
	Workers' organizations	2007 AR: Observations by the GFBTU 2006 AR: Observations by the GFBTU	
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	YES, in 2002, for C.138. 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. 2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.138.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES The Constitution (article 5) recognizes the principle and right (PR).

¹Country 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	According to the Government: The PR is recognized in legislation, judicial decisions and collective agreements in Bahrain. <ul style="list-style-type: none"> • Policy: 2000 AR: According to the Government: Policy: the Council of Ministers approved in 1998 the establishment of a Child Committee. • Legislation: The Labour Code (sections. 49-58).
		Basic legal provisions	(i) The Constitution, article 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.
		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.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum Age	2003 AR: General minimum age is 16 years for both boys and girls. 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. Hazardous work: The minimum age for hazardous work is 18 years for both boys and girls.
		Worst Forms of Child Labour	C. 182 is 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	NIL	

	Promotional activities	<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 dropouts; (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	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to the BCCI: There are very limited cases of child labour in Bahrain.
		Workers' organizations	2007 AR: According to the GFBTU: Poor families need social protection in Bahrain.
	According to the Government	2007 AR: The Government acknowledged that poor families need social protection in Bahrain.	
TECHNICAL COOPERATION	Request	2007 AR: The BCCI requested ILO technical cooperation on the PR, in particular through public sensitization (TV programmes) on the issue of child labour.	
	Offer	ILO	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2006 AR: The ILO Expert-Advisers (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 (paragraph 58 of the Annual Review Introduction).</p> <p>2004 AR: The IDEAs noted that the GCC States were 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 (paragraph 85 of the 2005 Annual Review Introduction).</p> <p>2003 AR: The IDEAs commended Bahrain and other GCC States for their continuing dialogue with the Office through the annual review process (paragraph 4 of the 2003 annual Review Introduction).</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 (paragraph 77 of the 2001 Annual Review Introduction).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		

COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: BANGLADESH

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , except for the 2002 Annual Review (AR). 2003 and 2004 ARs: No change	
	Involvement of Employers' and Workers' organizations in the reporting process	YES: According to the Government: Involvement of the Bangladesh Employers' Federation (BEF) and 23 national workers' federations (Jatiya Sramik League; Bangladesh Trade Union Centre; Bangladesh Jatiyatabadi Sramik Dal; Jatiya Sramik Federation; Jatiya Sramik Federation Bangladesh; Jatiya Sramik Party; Bangladesh Songjukta Sramik Federation; Bangladesh Trade Union Songha; Bangladesh Sramik Jote; Bangladesh Jatiya Sramik League; Bangladesh Trade Union Federation; Bangladesh Trade Union Congress; Samajtantrik Sramik Front; Bangladesh Workers' Federation; Jatiya Sramik Jote Bangladesh; National Workers' Federation; Jatiya Sramik Karmachary Jote Bangladesh; Bangladesh Jatiya Sramik Forum; Bangladesh Free Trade Union Congress; Bangladesh Sramik Federation; Bangladesh Sramik Kalyan Federation; National Trade Union Federation; Bangladesh Sramik Federation) through communication of Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the Bangladesh Employers Federation (BEF). 2006 AR: Observations by the BEF	
	Workers' organizations	2005 AR: Observations by Bangladesh Mukto Sramic Federation (BMSF). 2001 AR: Observations by the Bangladesh Sanjukta Sramik Federation (BSSF) -Observations by the World Confederation of Labour (WCL)	
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 ratified the Minimum Age Convention, 1973 (No. 138) (C. 138).
		Ratification intention	YES, since 2001, for C.138. 2007 AR: The BEF expressed its support for ratification of C.138 by Bangladesh. 2003 AR: The Government reiterated its intention to ratify C.138. 2001 AR: The Government stated that it intended to ratify C.138 and C.182.

¹Country 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

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Policy, legislation, and/or regulations and/or	<ul style="list-style-type: none"> • Policy 2007 AR: The Government stated it was now actively working on finalizing the national Child Labour Policy. 2003 AR: The Government stated that it intended to adopt a national policy by 2003. 2001 AR: According to Government: The Tripartite Consultative Committee (TCC) discusses various issues of national importance such as the formulation 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.
		Basic legal provisions	<ul style="list-style-type: none"> • Legislation: The revised and updated draft Labour Code prepared by the Bangladesh Labour Law Commission is under active process of gaining approval by the appropriate 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 10 years for both boys and girls, with a general requirement of 5 years of grades or instruction.
		Minimum Age	2003-2005 ARs: There is no general minimum age for admission to employment or work 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. Hazardous work: Minimum age of 18 years for both boys and girls (Section 87 of the Factories Act, 1965). 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, dying 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. Hazardous work is defined in section 87 of the Factories Act, 1965, which makes a reference to Dangerous Operations.
		Worst Forms Child Labour	2003 AR: According to the Government: Sale and trafficking are suspected to exist amongst girls and boys, while prostitution is believed to exist amongst girls.

	<p>Exercise of the principle and right</p>	<p>Special attention to particular situations</p>	<p>2003 AR: According to the Government: Children of the 5-14 year/age group who are engaged in the following sectors: <i>bidi</i>, match, construction, domestic child labour, leather/tanneries, etc.</p>
		<p>Information/Data collection and dissemination</p>	<p>2007 AR: According to the Government: The Bangladesh Bureau of Statistics (BBS), in collaboration with ILO/IPEC, conducted a national child labour survey in 2003 and another national survey on determining hazardous child labour sectors during 2005-6. 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 users 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 in 1996. The results of such surveys are presented separately by sex and age (5-14 years).</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Monitoring, enforcement and sanctions mechanisms</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 had 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 sometimes legal action is taken, 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>2007 AR: According to the Government: The 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>2007 AR: The BEF referred to its cooperation with ILO/IPEC.</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: (i) free compulsory education; Employment creation/income generation; (ii) child rehabilitation following removal from work; (iii) vocational and skills training for young workers; (iv) awareness raising/advocacy; and (v) international cooperation programmes or projects.</p> <p>The Government stated that since 1995, it had been trying to eliminate child labour through the ILO-International Programme on the Elimination of Child Labour (IPEC).</p> <p>2003 AR: According to the Government: The Government has undertaken a project under the Annual Development Programme (ADP) with the assistance of USAID - namely, the Eradication of Hazardous Child Labour in Bangladesh. The project was to provide Non-Formal Education (NFE) and Skills Development Training (SDT) for 10,000 working children and micro-credit for 5,000 parents of child labour in Dhaka and Chittagong Metropolitan areas, in the shop factories; bangle-making; rickshaw/van pulling; fisheries; book-binding; welding; and automobile workshop sectors.</p> <p>2001 AR: According to the Government: Since 1995, with the help of the IPEC three action programmes (AP) to combat child labour had been completed.</p> <ul style="list-style-type: none"> -UNICEF provides funds for implementation of the skills training programme for students. -The Bangladesh Garments Manufacturers and Exporters' Association (BGMEA) launched the "Earn and learn programme" in 1998 with the aim to implement the MOU. -The Government initiated a project called "Preventing and eliminating the worst forms of child labour in selected formal and informal sectors". -The MOLE launched a project entitled "Eradication of hazardous child labour in Bangladesh" which aimed to raise awareness about the negative consequences of hazardous work. 	
	<p>Promotional activities</p>	<p>2000 AR: According to Government: Formal and non-formal education is provided. Technical training is also given through "earn and learn" programmes. Scholarships stipends and books are also given to students free of charge.</p> <ul style="list-style-type: none"> -The Government signed a Memorandum of Understanding (MOU) in 1994 with the ILO International Programme for the Elimination of Child Labour (IPEC). 	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Special initiatives/Progress</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 NGOs.</p> <p>The MOU signed with the ILO in 1994 to work with IPEC, which 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</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2007 AR: According to the BEF, child labour is prevalent in the informal economy.</p>

PRINCIPLE AND RIGHT		Workers' organizations	2001 AR: According to the BSSF: There are no special organizations for child workers. 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.
	According to the Government		<p>2006 AR: According to the Government: The main challenges in promoting this principle and right 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 the majority of child labour exist; (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 difficulties of 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, so the labour inspectors cannot make any intervention in this sector.</p>
TECHNICAL COOPERATION	Request		<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>
	Offer		<p>ILO/IPEC (A time-bound programme for the elimination of the worst forms of child labour is being formulated); UNICEF; NGOs</p> <p>-In October 2000, a US\$4.8 million assistance agreement was signed by the ILO and the Dutch Government for the elimination of child labour. With the extension of the project, the total funding commitment of the project is about 5.7 million USD. The project is scheduled to continue up to the end of 2006.</p> <p>-The Government is working with the United States Agency for International Development (USAID) on the Eradication of Hazardous Child Labour in the country.</p>

EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS	2005 AR: The ILO Declaration Expert-Advisers listed Bangladesh 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).
GOVERNING BODY RECOMMENDATIONS/ OBSERVATIONS	NIL



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: CANADA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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 government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations		
	Workers' organizations	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	<p>Under consideration for 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>2002 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>

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.

	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 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.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Policy, legislation, and/or regulations	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.
		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.

	<p>Prevention/Monitoring, enforcement and sanctions mechanisms</p>	<p>2000-2005 ARs: According to the Government:</p> <p><i>-The Commission on labour standards:</i> There are government labour inspectors and appropriate enforcement mechanisms in all jurisdictions.</p> <p><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);</p> <p><i>-The possibility of investigation and enquiry by police and social welfare officers;</i> and</p> <p><i>-Penal Sanctions:</i> from fines to imprisonment.</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Involvement of the social partners</p>	<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>
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Promotional activities</p>	<p>2006 AR: 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’s 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’s 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 programmes 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> <p>-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.</p>

	<p>Special initiatives/Progress</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>. 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; - 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.
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CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	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.
	According to the Government		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.
TECHNICAL COOPERATION	Request		NIL
	Offer		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).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	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.		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		

BASE DE REFERENCE PAR PAYS AU TITRE DE L'EXAMEN ANNUEL DE LA DECLARATION DE L'OIT(2000-2007)¹: CAP-VERT

L'ABOLITION EFFECTIVE DU TRAVAIL DES ENFANTS (TE)

SOUSSION DES RAPPORTS	Accomplissement par le gouvernement de l'obligation de rapport	OUI mais seulement pour les Examens Annuels (EAs) de 2000, 2006 et 2007.	
	Implication des organisations d'employeurs et de travailleurs dans l'élaboration des rapports	OUI selon le Gouvernement: sous forme de communication des rapports du Gouvernement aux organisations d'employeurs et de travailleurs.	
OBSERVATIONS DES ORGANISATIONS D'EMPLOYEURS ET DE TRAVAILLEURS	Organisations d'employeurs	EA 2006: Observation de l'Association commerciale industrielle et agricole de Barlavento (ACIAB). Observations de l'Association commerciale de Sotavento (ACS).	
	Organisations de travailleurs	EA 2006: Observations de la Confédération capverdienne des syndicats libres (CCSL). Observations de l'Union nationale des travailleurs capverdiens – Centrale syndicale (UNTC-CS).	
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Ratification	Etat des ratifications	Le Cap-Vert a ratifié en 2001 de la convention (no.182) sur les pires formes de travail des enfants, 1999 (C.182).

¹ La base de référence par pays au titre de l'Examen annuel de la Déclaration est fondée sur les éléments suivants, dans la mesure de leur disponibilité: rapports des gouvernements, observations des organisations d'employeurs et de travailleurs, études de cas préparés sous le parrainage du pays et du BIT, ainsi que les observations/recommandations formulées par les Experts-conseillers de la Déclaration de l'OIT et le Conseil d'Administration de l'OIT.

		Intention de ratification	<p>OUI, depuis 2002 pour la convention (no.138) sur l'âge minimum, 1973.</p> <p>EA 2006: Le Gouvernement espère que le processus de ratification de la C.138, qui est déjà en cours, sera achevé d'ici fin 2005. Il assure aux partenaires sociaux qu'il mettra tout en œuvre pour assurer la ratification prochaine de la C.138.</p> <p>La ratification de la C.138 par le Cap-vert est expressément soutenu par l'ACIAB, l'ACS, la CCS et l'UNTC-CS.</p> <p>EA 2002 : Selon les informations contenues dans les documents GB.282/LILS/7 (Nov. 2001) et GB.282/8/2 (Nov. 2001), le Gouvernement a l'intention de ratifier la Convention (no.138) sur l'âge minimum, 1973 (C.138).</p>
	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Constitution	<p>OUI</p> <p>La Constitution de 1999 (article 87) interdit le travail des enfants pendant la période de scolarité obligatoire. Par ailleurs, elle garantit (article 89.2 et 3) la protection contre l'exploitation du travail des enfants de même qu'elle interdit le travail des enfants en âge de scolarité obligatoire (6-14 ans pour les garçons et les filles).</p>
	Exercice du principe et droit	Politique, législation et/ou réglementation	<ul style="list-style-type: none"> • Législation <p>Le Titre VII (Articles 157 à 162) du Régime juridique général des relations de travail interdit le travail de nuit des mineurs de 16 ans, sauf si cela est indispensable pour leur formation professionnelle. En outre, la durée du travail des mineurs est réduite à 7 heures par jour et 38 heures par semaine, contre 8 heures par jour et 40 heures par semaine pour les fonctionnaires de l'administration publique et 8 heures par jour et 44 heures par semaine pour les travailleurs du secteur privé.</p>
Dispositions juridiques principales		(i) Le régime juridique général des relations de travail; (ii) le Code des mineurs; (iii) le Code de la famille; et (iv) le Code pénal.	
Décisions judiciaires		RAS	
Scolarité obligatoire		OUI, l'âge d'accomplissement de la scolarité obligatoire (14 ans) correspond à l'âge minimum pour l'admission à l'emploi ou au travail en vertu de l'article 87 de la Constitution.	
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Exercice du principe et droit	Age minimum	L'âge minimum général pour l'admission à l'emploi ou au travail: 14 ans (Code des mineurs et article 5.2 du Régime juridique général des relations de travail).
		Pires formes de travail des enfants	C. 182 est ratifiée.

	Attention spéciale aux situations particulières	<p>EA 2006 : Selon le Gouvernement : Les enfants des rues et les enfants des familles pauvres.</p> <p>EA 2000: Selon le Gouvernement: Les enfants travailleurs.</p>
	Collecte et diffusion d'informations et/ou de données	<p>EA 2006: Selon le Gouvernement: Lors du dernier recensement de 2000, il y avait 7500 enfants travailleurs âgés de 10 à 17 ans sur une population totale de 432 000 habitants. L'âge le plus bas des personnes au sujet desquelles des informations sur leurs activités économiques ont été demandées était de 10 ans.</p>
	Mécanismes de prévention, contrôle, mise en oeuvre et/ou sanctions	<p>EA 2006: Selon le gouvernement : Le Gouvernement a mis en place en 1982 l'Institut Capverdien des Mineurs (ICM) qui s'adresse en particulier aux enfants des rues pour leur fournir les moyens de réinsertion sociale avec l'appui d'éducateurs sociaux, de psychologues et de médecins. L'ICM dispose également de centres d'accueil où ces mineurs sont hébergés et dirigés vers les écoles ou les centres de formation. S'agissant de la mise en oeuvre de la législation sur le travail des enfants, elle est assurée sous le contrôle de l'Inspection générale du Travail, ainsi que les actions des Procureurs des mineurs et de l'ICM.</p> <p>En cas de violation de ladite législation, des sanctions allant de l'amende (de 5000 à 160000 escudos (1 dollar EU= 91 escudos au 30 juin 2005), conformément à l'article 5 du Décret-loi no. 90 du 31 décembre 1997) à l'emprisonnement (d'une à cinq années d'emprisonnement, conformément à l'article 133 du Code pénal), sont prévues.</p>
	Implication des partenaires sociaux	<p>EA 2006: Selon le Gouvernement : Aux termes de l'article 3 de la Loi no.17/V/96 du 30 décembre 1996, aucun projet ou proposition de loi relative à la législation du travail ne peut être discuté et voté par le Parlement ou par le Gouvernement sans l'avis préalable des organisations syndicales. A cet égard, tous les projets ou propositions de loi en matière de travail sont préalablement soumis pour avis consultatif au Conseil de concertation sociale qui est un organe tripartite (Décret-loi no.35/93 du 21 juin 1993). L'Inspection générale du Travail associe les syndicats dans le contrôle de l'exécution des lois.</p>
	Activités promotionnelles	<p>EA 2006: Selon le Gouvernement : Des actions de sensibilisation, prévention et lutte contre le travail des enfants sont menées par l'ICM et l'Institut Capverdien d'Action Sociale et Scolaire (ICASE), y compris avec le concours des médias. De même, des ONGs telles que l'Association pour l'enfance défavorisée (ACRIDES) et l'Association "Infância Feliz" (Enfance heureuse) oeuvrent dans ce sens.</p> <p>EA 2000: Selon le Gouvernement : Un système gouvernemental de coordination avec différents secteurs et organismes a été adopté en vue de définir les meilleurs moyens possibles pour régler les problèmes qui affectent le développement de l'institution familiale, avec une attention particulière au problème des enfants travailleurs.</p>

	Initiatives spéciales/Progrès	<p>EA 2006: Selon le Gouvernement: Un statut national de l'enfant et de l'adolescent est en cours d'élaboration au niveau du ministère de la Justice. Ce statut vise la protection des enfants et des adolescents, ainsi que leur développement harmonieux. A cet effet, une commission nationale pour la réforme juridique et institutionnelle en faveur des enfants et des adolescents a été instituée en février 2005 et comprend des représentants du ministère du Travail et de la Solidarité nationale, du ministère de la Justice, du Bureau du Procureur général de la République, de la Commission nationale des droits de l'Homme et de l'ICM.</p> <p>Par ailleurs, le gouvernement a mis en place en 1999, en coopération avec l'UNICEF, un Parlement des Enfants qui siège tous les deux ans pour discuter des problèmes des enfants et formuler des recommandations de suivi au gouvernement et au Parlement sous la forme de plans d'action. Ce Parlement s'assure également de la suite qui a été donnée à ses décisions par les autorités nationales.</p> <p>Enfin, au Cap-Vert, le mois de juin a été consacré "mois des enfants" où des ateliers de réflexion sont notamment organisés sur les problèmes des enfants et leurs solutions.</p>	
DIFFICULTES RENCONTREES DANS LA REALISATION DU PRINCIPE ET DROIT	Selon les partenaires sociaux	Organisations d'employeurs	RAS
		Organisations de travailleurs	EA 2006: Selon CCSL : Il n'existe pas de situation généralisée de travail des enfants au Cap-Vert, à part quelques cas de travail domestique et de travail des enfants dans le secteur agricole, essentiellement dus à la pauvreté.
	Selon le gouvernement	EA 2006: Selon le Gouvernement: Le travail des enfants existe notamment dans le cadre du travail domestique, et en milieu agricole (pour puiser de l'eau notamment). La tradition culturelle veut que les enfants travaillent pour préparer leur vie adulte. A cet effet, il serait nécessaire de sensibiliser les parents concernés sur l'importance de l'école dans l'avenir de l'enfant dans la société. Enfin, la scolarité n'est pas gratuite pour tous; toutefois, l'ICASE assure la scolarisation des enfants des familles pauvres (paiement des frais de scolarité et fourniture de repas et de matériels scolaires), avec l'appui du PAM et de l'UNICEF.	
COOPERATION TECHNIQUE	Demande	<p>EA 2006: Selon le Gouvernement : Le gouvernement bénéficie actuellement de la coopération technique du PAM et de l'UNICEF pour promouvoir le principe et droit (PED). Toutefois, il souhaite la coopération technique du BIT pour la préparation d'une étude générale sur le travail des enfants dans le pays, suivie d'un séminaire de validation, d'un plan d'action comprenant un programme de génération de revenu pour les parents pauvres et d'une campagne de sensibilisation. A cet égard, une attention particulière devra alors être accordée aux enfants des rues ou en situation de vulnérabilité, ainsi qu'aux enfants des familles pauvres et aux enfants abandonnés.</p> <p>Par ailleurs, le gouvernement appuie la suggestion de l'ACS pour la mise en oeuvre des programmes DECLARATION et IPEC dans le pays afin d'assurer une meilleure réalisation des principes et droits fondamentaux au travail au Cap-Vert.</p> <p>Selon l'ASIAB : La coopération technique de l'OIT serait utile en matière de programmes de génération de revenus pour les parents pauvres du pays, en particulier dans le milieu agricole.</p> <p>Selon l'ACS : D'une manière générale, la coopération technique du BIT serait utile pour la promotion du PED, ainsi que des autres principes et droits fondamentaux au travail dans le pays (Programmes DECLARATION et IPEC).</p> <p>Selon la CCSL et l'UNTC-CS: D'une manière générale, la coopération technique du BIT serait utile pour la promotion du PED dans le pays.</p>	

	Offre	RAS
OBSERVATIONS/ RECOMMANDATIONS DES EXPERTS-CONSEILLERS	2005 EA: Les Experts-conseillers espèrent recevoir un rapport du Cap-Vert (Cf. paragraphe 8 de l'Introduction de l'Examen annuel de 2005).	
OBSERVATIONS/ RECOMMANDATIONS DU CONSEIL D'ADMINISTRATION	RAS	



REFERENCIA POR PAIS DENTRO DEL MARCO DEL EXAMEN ANUAL DE LA DECLARACION DE L'OIT (2000-2007)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) 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	Ninguna	
	Organizaciones de Trabajadores	EA 2007: Observaciones de la CTC. EA 2006: Observaciones de la CTC.	
ESFUERZOS Y PROGRESOS DESPLEGADOS EN REALIZAR EL PRINCIPIO Y DERECHO	Ratificación	Estado de ratificaciones	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 del trabajo infantil, 1999 (núm. 182).
		Intención de ratificación	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. EA 2006: Según el Gobierno: El C.182 ha sido sometido a las autoridades competentes y fue diferida su ratificación se analizará nuevamente.

¹ Referencias 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 Gobiernos dentro del Examen anual de la Declaración, observaciones de Organizaciones de Empleadores y Trabajadores, estudios específicos con profundidad preparados sobre la patrocinación del país y de la OIT, y observaciones/recomendaciones de los Expertos Consejeros en la Declaración de la OIT y del Consejo de Administración.

	Reconocimiento del principio y derecho (perspectiva(s), medios de acción, disposiciones jurídicas básicas)	Constitución	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% 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.
		Política, legislación y/o reglamentación	<ul style="list-style-type: none"> • Política <p>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.</p> <ul style="list-style-type: none"> • Legislación <p>EA 2002: Las medidas enunciadas en los artículos 222 a 225 del Código de 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.</p> <p>En 1984 había 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.</p> <p>En 1977 se dictó la Ley núm. 13 de protección e higiene del trabajo que sitúa la 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.</p> <ul style="list-style-type: none"> • Reglamentación <p>En 2005 fue dictada la Resolución No. 8 de 1 de marzo de 2005, del Ministro de Trabajo y Seguridad Social, Reglamento General sobre Relaciones Laborales, que fue remitida a la Oficina como anexo a la Memoria del Convenio No. 77 sobre examen médico de los menores (industria) en el artículo 2 de dicho Reglamento, se establecen los principios que rigen la política de empleo, entre los cuales está, en el inciso h) la prohibición del trabajo infantil. En anexo a este cuadro aparece explicada la relación de dicho Reglamento con los C.138 y C. 182.</p>
		Disposiciones jurídicas básicas:	(i) Constitución; (ii) Código del Trabajo; (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 No. 8 de 2005, Reglamento General sobre la política de empleo.
		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: Según el Gobierno: Las peores formas de trabajo infantil, enumeradas en el C.182, no existen en Cuba. Se reitera esta información.
		Tratamiento especial a determinadas situaciones	EA 2002: Los discapacitados tienen una atención especial. El subsistema de educación 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 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 y de las familias y la nivel escolar de los padres, sobre todo, de la madre. Se reitera esta información.
	Mecanismos de supervisión, implementación y sanción	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 1 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.	
ESFUERZOS Y PROGRESOS DESPLEGADOS EN REALIZAR EL PRINCIPIO Y DERECHO	Cometido de los interlocutores sociales	<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, a los niños y adolescentes, lo que nos asegura un bienestar para los todos trabajadores.</p> <p>EA 2006: La CTC señala que el sindicalismo cubano ha conquistado las regulaciones, Decretos- Leyes y 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 No. 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>	

	<p>Actividades de promoción</p>	<p>EA 2007: 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 solo a los trabajadores y su familia, 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 video y medios audiovisuales en todos los niveles. El 100% 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 mas 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%. 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: 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 de 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 ENCONTRADOS 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 ninguno de sus ciento setenta mil sindicatos de base afiliados ha detectado violaciones sobre las peores formas de trabajo infantil.</p>

	Según el Gobierno	<p>EA 2007: 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 mantiene 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 del trabajo infantil, toda vez que no existen.</p>
	Oferta	Ninguna
OBSERVACIONES/ RECOMENDACIONES DE LOS EXPERTOS CONSEJEROS	Ninguna	
OBSERVACIONES/ RECOMENDACIONES DEL CONSEJO DE ADMINISTRACION	Ninguna	

COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)⁸: CZECH REPUBLIC

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES, except for the 2001 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>YES, according to the Government: Involvement of (i) the Union of Industry of the Czech Republic (UICR); (ii) the Confederation of Employers' and Entrepreneurs' Unions (CEEU); (iii) the Czech-Moravian Confederation of Trade Unions (MKOS); (iv) the Union of Railway Workers (URW); and (v) the Union of Workers in Agriculture and Food (UWAF), through communications of government's reports.</p> <p>2007 AR: According to the Government: with the Czech-Moravian Confederation of Trade Unions, the Association of Independent trade Unions, the Confederation of Employers' and Entrepreneurs' Associations and the Union of Industry and Transport, were consulted in preparing the update.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL	
	Workers' organizations	<p>2006 AR: Observations by the CMKOS.</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	Czech Republic 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).

⁸ 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>Ratification intention</p>	<p>YES, since 2002, for the Minimum Age Convention, 1973 (No. 138) (C.138).</p> <p>2007 AR: According to the Government: The new Labour Bill, mentioned in the previous report, was approved by Parliament in May 2006 and published as Act No. 262/2006 (entry into force on 1 January 2007), bringing the national legislation fully in line with the provisions of C.138, and action has been taken to ratify it as soon as possible. As to consultation with social partners, the C.138 ratification was already brought to the Working Group of the Council of Economic and Social Agreement for co-operation with ILO in December 2004. The submitting of the proposal to ratify C.138 was made after consulting with representatives of Czech-Moravian Confederation of Trade Unions and Confederation of Industry and Transport, with favourable responses from most of both sides' representatives on 29 June 2006. The proposal was approved by the Cabinet Resolution No. 871 of 19 July 2006, and was communicated to Parliament at the beginning of August 2006.</p> <p>2006 AR: According to the Government: The Ministry of Labour and Social Affairs has already prepared a proposal for the ratification of Convention No. 138, which will be discussed with the social partners and subsequently submitted to the Cabinet in connection with the adoption of a new Labour Code. The CMKOS considers that ratification of Convention No. 138 can be done regardless of the outcome of the Labour Bill process.</p> <p>2003 AR: The Government reiterated its intention to ratify C.138.</p> <p>2002 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>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>	<p>YES</p> <p>Article 29 of the Charter of Rights and Freedoms, which is part of the Constitutional Order (Act No. 2/1993 Coll.), provides for the right of juveniles to enhanced protection of health at work and for special working conditions.</p>

		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Legislation <p>2006 AR: According to the Government: Act No 435/2004, the Employment Act, which came into effect on 1 October 2004, provides, in its Part VI (sections 121-124), for the protection of children in activities other than those carried out in employment. At the same time, a general prohibition of child labour was introduced in section 11(2) of the Labour Code (prohibition of employment of person younger than 15 years of age and the protection of young employees are already part of national labour legislation).</p> <p>As regards to these changes, all requirements of the Convention are respected with the exception of Article 9(3) concerning the explicit obligation of employers to keep registers of workers younger than 18 years of age. This obligation was included in section 246(5) of the Labour Bill, approved by the Government resolution No. 1206 on 21 September 2005 and submitted to the Parliament on 27 September 2005.</p> <p>2003 AR: According to the Government: A draft Act on the Protection of Children and Young Persons at Work was under preparation and was to be communicated to Parliament in 2002.</p> <p>2002 AR: According to the Government: A proposal for an Act on Child Labour was being prepared and it was to be communicated to the Government in 2001.</p>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Basic legal provisions	(i) The Charter of Rights and Freedoms, article 29; (ii) the School Act No. 29/1984; (iii) the Labour Code (Act No. 65/1965); (iv) the Wages Act, Salary Act; (v) the Employment Act; (vi) Act No. 174/1968 on the State Professional Inspection of Occupational Safety and Safety of Technical Equipment; (vii) the Children's Act No. 560 of 1998, section 90; (viii) Act No. 258/2000 on the protection of public health, section 39; and (vii) the Penal Code.
		Judicial decisions	NIL
		Compulsory education	YES, the age of completion of free compulsory schooling (15 years) corresponds to the minimum age for admission to employment or work; and 9 years of schooling are required to complete compulsory education.
	Exercise of the principle and right		

		Minimum Age	<p>2003-2005 ARs: General minimum age for admission to employment or work: 15 years for both boys and girls (Labour Code, section 11, section 1).</p> <p>The general minimum age established in legislation is limited to employment based on a contract with an employer (the New Employment Act 2004). The Act also provides exceptions for performance of artistic, cultural, advertising or sporting activities under prescribed conditions. If such activities are carried out on a commercial basis, it is compulsory to obtain special permission, which is issued on a case by case basis by the Labour Office.</p> <p>Light work: minimum age of 13 years for both boys and girls (Children’ Act No. 560 of 1998, section 90).</p> <p>This type of work is defined as “work which is not likely to be harmful to the health or development of a child and does not affect the child’s attendance at school or the capacity of a child to benefit from school work”.</p> <p>Hazardous work: minimum age of 18 years for both boys and girls (section 39 of the Act No. 258/2000 on the protection of public health)</p> <p>“Hazardous work” is defined as work with the danger of occupational disease or any other disease related to occupation.</p>
		Worst Forms of Child Labour	C.182 is ratified.
		Special attention to particular situations	NIL
		Information/Data collection and dissemination	2001-2003 ARs: According to the Government: the police hold statistic and data on child trafficking.
	Monitoring, enforcement and sanctions mechanisms	<p>2003-2005 ARs: According to the Government: The work of a child will be subject to notification to the Labour Office and subject to official authorization and labour and occupational safety inspections.</p> <p>2002 AR: According to the Government: The following measures to enforce the principle and right (PR) had been implemented: legal reform (more envisaged); inspection/monitoring mechanisms; penal sanctions; and civil or administrative sanctions.</p> <p>2000 AR: According to the Government: Generally speaking child care is supervised by District Social Policy Officers.</p>	
	Involvement of the social partners	2000 AR: According to the Government: The competent trade union organizations are entitled to check compliance with statutory employment provisions, within the scope stipulated in the Labour Code.	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	2002-2004 ARs: According to the Government: The following measures to realize the PR have been adopted: (i) social assistance (e.g. stipends, subsidies, vouchers); (ii) awareness raising/advocacy activities; (iii) international cooperation programmes or projects.	
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	2002 AR: No particular challenges were raised in the ICFTU's observations.
	According to the Government	2000 AR: According to the Government: (i) lack of legislation in respect of work performed by children in other than regular employment relationship; (ii) lack of legislation concerning the performance of work-related activities by children in the area of culture, artistic performance, sports and/or advertising.	
TECHNICAL COOPERATION	Request	2002 AR: According to the Government: Needs for ILO technical cooperation to facilitate the realization of the PR in Czech Republic exist in the following areas, in order of priority: (1) legal reform; (2) policy advice; (3) capacity building of responsible government institutions (e.g. labour inspection and administration); (4) training of other officials (e.g. police, judiciary, social workers, teachers); (5) social protection systems; (6) data collection and analysis; (7) inter-institutional coordination; (8) awareness raising, legal literacy and advocacy; (9) sharing of experience across countries/regions; (10) strengthening capacity of employers' and workers' organizations.	
	Offer	NIL	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL		



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)⁹: ERITREA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES, except for the 2001 and 2002 Annual Reviews (ARs).	
	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	2006 AR: Observations by the EFE	
	Workers' organizations	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).
		Ratification intention	<p>YES, since 2002, for 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 the ratification of this Convention is under review.</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify C.182.</p>

⁹ 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.

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES 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.
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2002-2003 ARs: According to the Government: the principle and right (PR) is recognized in national policy, legislation and regulations, namely through: -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.</p> <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.</p>
		Basic legal provisions	(i) The Labour Proclamation of Eritrea No. 118/2003; (ii) the Labour Proclamation of Eritrea No. 8/1991; and (iii) the Transitional Penal Code.
		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
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum Age	<p>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)</p> <p>Hazardous work: minimum age of 18 years for both boys and girls</p> <p>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.</p>
		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	According to the Government: Lack of information and data.

	Monitoring, enforcement and sanctions mechanisms	2000 AR: According to the Government: the means of implementing the PR are both administrative and legal, especially through judiciary and labour inspection.				
	Involvement of the social partners	<p>2005 AR: According to the Government: Under the World Bank Fund, a special Programme known as Early Childhood Development (ECD) 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>				
	Promotional activities	<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 favour 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; <p>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;</p> <p>-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;</p> <p>-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.</p> <p>-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.</p>				
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives/Progress	2004 AR: According to the Government: Successful example: 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.				
	CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	<table border="1"> <tr> <td>Employers’ organizations</td> <td></td> </tr> <tr> <td>Workers’ organizations</td> <td></td> </tr> </table>	Employers’ organizations		Workers’ organizations
Employers’ organizations						
Workers’ organizations						
	According to the Government	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.				

TECHNICAL COOPERATION	Request	<p>2006 AR: Technical cooperation: The Government strongly requested ILO technical cooperation, namely by 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 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): The 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): The 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	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: ESTONIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the start of the Annual Review in 2000. No change reports for the 2004 and 2005 ARs.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Confederation of Estonian Employers (CEE); the Confederation of Employers and Industry (CEI); the Association of Trade Unions (ATU) and the Confederation of Estonian Trade Unions (CETU) by means of consultations and communication of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observation by the CEE. 2006 AR: Observation by the CEE. 2002 AR: Observations by the CEE. 2001 AR: Observations by the CEE. 2000 AR: Observations by the CEI.	
	Workers' organizations	2007 AR: Observation by the CETU. 2006 AR: Observation by the CETU. 2004 AR: Observation by the CETU. 2002 AR: Observation by the CETU. 2001 AR: Observation by the ATU. 2000 AR: Observation by the ATU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Estonia 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).

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.

		Ratification intention	<p>Yes, since 2002, C.138.</p> <p>2007 AR: According to the Government: Ratification of C.138 is before the Parliament. It is expected in 2006.</p> <p>2006 AR: The Government indicated that ratification of C.138 was in process.</p> <p>2005 AR: The Government stated that it would submit C.138 for ratification by the end of 2004.</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): The Government intends to ratify C.138.</p> <p>AR 2000: Estonia ratified in 1991 the United Nations Convention on the Rights of the Child.</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: The Government stated that it had adopted a strategy to realize the PR. • Legislation: A new Child Protection Act is to be adopted in 2006. The Basic School and General Upper-Secondary Education Act and the Employment Contract Act (1992) deals with the principle and right (PR). • Regulations: Government Regulation No. 214.
		Basic legal provisions	(i) The Employment Contracts Act (1992); (ii) Government Regulation No. 214; (iii) the Occupational Health and Safety Act (adopted on 16 June 1999); (iv) paragraph 135 of the Criminal Law; (v) paragraph 34 of the Administrative Law, (vi) the Child Protection Act, 1992; (vii) the Basic School and General Upper-Secondary Education Act, 1993; and (viii) the Penalty Act, 2002.
		Judicial decisions	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Compulsory education	<p>YES, the age of free compulsory education for both boys and girls at the end of this period is 17 years, with a general requirement of 9 years of grades or instruction.</p> <p>2005 AR: The General minimum age for admission to employment or work: 16 years for both boys and girls</p>

		<p>Minimum age</p>	<p>General minimum age (15 years)</p> <p>2005 AR: According to the Government: The general minimum age for admission to employment (15 years) covers the following types of work: self-employed work, commercial agriculture, light work and work performed in export processing zones. However, it does not cover the following types of work: work as a member of a farming family, in a family enterprise, in a family farm enterprise and to household work involving parents, spouses or children in a shared household.</p> <p>In exceptional cases, an employee may be:</p> <ul style="list-style-type: none"> • a minor who has attained 15 years of age, has obtained the written consent of one parent or guardian, and does work which would not endanger the health, morality or education of the minor. • a minor of 13 to 15 years of age, who has obtained the written consent of one parent or a guardian and the labour inspector to engage in work set out in a list approved by the Government. <p>Light work: A list of light work and labour has been adopted for minors between 13 and 15 years of age (Government Regulation No. 214).</p> <p>Hazardous work: minimum age of 18 years for both boys and girls. According to the Government: national legislation defines hazardous work. Under the Employment Contracts Act, 1992 it is prohibited to hire and employ minors for heavy work, work that poses a health hazard or has dangerous working conditions, underground work, or work which endangers the morality of minors. The list of work which is prohibited for minors shall be determined by the Government. This field is governed by regulations (No. 172 of 30 April 2004 and No. 171 of 30 April 2004).</p>
		<p>Worst Forms Child Labour</p>	<p>C.182 is ratified.</p>
		<p>Information/Data collection and dissemination</p>	<p>2003 AR: According to the Government: The police and the courts record sanctions applied to users of child labour. In addition, a Labour Force Survey, which includes information on minors (16 and 17 years) involved in economic activities, is carried out every year. The results are presented separately by sex, age (16 and 17), occupation, type of activity and number of hours worked.</p> <p>2001 AR: According to the Government: In cooperation with the ILO's SIMPOC Programme (Statistical Information and Monitoring Programme on Child Labour), Estonia plans to carry out research on child labour.</p>
	<p>Monitoring, enforcement and sanctions mechanisms</p>	<p>2007 AR: According to the Government: Cooperation exists in the field of legislation between the Ministry of Social Affairs, Ministry of Education and Research, Ministry of Justice and Ministry of Internal Affairs. The National Labour Inspectorate also promotes the enforcement of labour laws through inspections.</p> <p>2003 AR: According to the Government: The following measures have been implemented to enforce minimum age(s) for employment: legal reform; inspection/monitoring mechanisms; penal sanctions; civil or administrative sanctions.</p> <p>2000-2001 ARs: According to the Government: Supervision is delegated to the Labour Inspection Service. Penal and other sanctions are provided for, in keeping with paragraph 135 of the Criminal Law (upon breach of labour protection regulations) and paragraph 34 of the Administrative Law (upon breach of labour law provisions). A Bill on similar penalties is tabled for submission to Parliament.</p>	

	Involvement of the social partners	<p>2007 AR: According to the CEE: Employers have been consulted on a case-by-case basis in matters of child labour. According to the CETU: There is a real need to promote co-operation between social partners and the labour inspectorate. The Government supported CETU's idea that co-operation between the social partners and the National Labour Inspectorate should be promoted.</p> <p>2006 AR: According to the CETU: Monitoring of the PR is done by local trade unions.</p>	
	Promotional activities	<p>2007 AR: According to the Government: Cooperation exists in the field of legislation between the Ministry of Social Affairs, Ministry of Education and Research, Ministry of Justice and Ministry of Internal Affairs. The National Labour Inspectorate also promotes the enforcement of labour laws through inspections.</p> <p>2003 AR: According to the Government: The following measures have been implemented to enforce minimum age(s) for employment: awareness raising/advocacy and international cooperation programmes or projects.</p>	
	Special initiatives/Progress	<p>2006 AR: The Government reported that it had adopted the strategy to: (i) ensure child's rights (2004); (ii) work out on a draft of a new Child Protection Act (the current Act was adopted in 1993); and (iii) pass the new Act in 2006.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<p>2007 AR: According to the CEE: No problem is foreseen concerning the implementation of C.138 in Estonia.</p>
		Workers' organizations	<p>2007 AR: According to the CETU: Trade unions have some information about the facts of concluding employment agreements with minors (during summer holidays) in non-written form; or employers' paying less than what was agreed. However, there is no information about proceedings on such violations in the labour dispute settlement bodies. Therefore, there is a real need to promote co-operation between social partners and the labour inspectorate.</p> <p>2004 AR: Observations of the CETU: (i) In practice, children over 7 years of age may in fact work under civil or commercial arrangements as long as their parents or legal guardians agree; (ii) there is a demand for child labour in specific sectors such as advertising, sports, culture or entertainment activities; and (iii) the intervention of labour inspection against child labour is restricted.</p>
	According to the Government	<p>2007 AR: The Government indicated that the general situation concerning the realization of the PR in the country is highly satisfactory. However, it supported CETU's idea that co-operation between the social partners and the National Labour Inspectorate should be promoted.</p>	
TECHNICAL COOPERATION	Request	<p>2007 AR: According to the Government: No ILO technical is needed for the time being to realize the PR in the country.</p>	
	Offer	<p>ILO/IPEC and UNDP.</p>	
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2005 AR: The ILO Declaration Expert-Advisers listed Estonia 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).</p>		
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	<p>NIL</p>		

BASE DE REFERENCE PAR PAYS AU TITRE DE L'EXAMEN ANNUEL DE LA DECLARATION DE L'OIT (2000-2007)¹: GABON

ABOLITION EFFECTIVE DU TRAVAIL DES ENFANTS (TE)

SOUMISSION DES RAPPORTS	Accomplissement par le gouvernement de l'obligation de rapport	OUI sauf pour les Examens Annuels (EAs) de 2000 et 2004.
	Implication des organisations d'employeurs et de travailleurs dans l'élaboration des rapports	OUI selon le Gouvernement : sous forme de communication des rapports du Gouvernement à la Confédération patronale gabonaise (CPG), à la Confédération démocratique des syndicats autonomes (CDSA), à la Confédération gabonaise des syndicats libres (CGSL), à la Confédération syndicale gabonaise (COSYGA), à la Confédération gabonaise du Travail/Forces Libres (CGT/FL), au Congrès syndical du Gabon (CSG) et à L'Union des travailleurs gabonais (UTG).
OBSERVATIONS DES ORGANISATIONS D'EMPLOYEURS ET DE TRAVAILLEURS	Organisations d'employeurs	EA 2007 : Observations de la CPG EA 2006: Observations de la CPG EA 2005: Observations de la CPG
	Organisations de travailleurs	EA 2007 : Observations de la CGT/FL et de ses 12 fédérations affiliées EA 2006: Observations de la CDSA Observations de la CGSL EA 2005: Observations de la CGSL Observations de la COSYGA EA 2002: Observations de la Confédération Internationale des Syndicats Libres (CISL). EA 2001: Observations de la Confédération Mondiale du Travail (CMT) et de la Confédération Syndicale Gabonaise (COSYGA).

¹ La base de référence par pays au titre de l'Examen annuel de la Déclaration est fondée sur les éléments suivants, dans la mesure de leur disponibilité: rapports des gouvernements, observations des organisations d'employeurs et de travailleurs, études de cas préparés sous le parrainage du pays et du BIT, ainsi que les observations/recommandations formulées par les Experts-conseillers de la Déclaration et le Conseil d'Administration

EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Ratification	Etat des ratifications	Le Gabon a ratifié en 2001 la convention (no.182) sur les Pires formes de travail des enfants, 1999 (C.182). Toutefois, il n'a pas ratifié la convention (no. 138) sur l'Age minimum, 1973 (C. 138)..
		Intention de ratification	<p>OUI, depuis 2001, pour la C. 138.</p> <p>EA 2007: Le Gouvernement a déclaré que la ratification de la C.138 était toujours à l'agenda du Parlement. En réponse aux suggestions de la CPG, il a confirmé qu'il allait accélérer la procédure de ratification de la C.138, tout en précisant que cette avait été soumise à plusieurs reprises au Parlement, mais qu'elle n'avait toujours pas été discutée. La CPG a formulé l'espoir que le Gouvernement encouragera le Parlement à approuver dans les meilleurs délais la ratification de la C.138. La CGT/FL et ses 12 affiliés ont souhaité l'accélération du processus de ratification de la C.138 par le Gouvernement.</p> <p>EAs 2005-2006: Le Gouvernement a soumis la C.138 au Parlement pour ratification, avec avis favorable. Il espère que la ratification sera effectuée dans les meilleurs délais.</p> <p>EA 2002: Selon les informations contenues dans les documents GB.282/LILS/7 (Nov.2001) et GB.282/8/2 (Nov.2001), le Gouvernement a l'intention de ratifier la Convention (no.138) sur l'âge minimum, 1973 (C.138).</p> <p>EA 2001: Selon le Gouvernement : Des travaux sont en cours pour la ratification de C.138.</p>
	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Constitution	<p>OUI, La Constitution, en ses articles 17 et 18, protège la jeunesse contre l'exploitation, l'abandon moral, intellectuel et physique.</p>

EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Politiques, législation et/ou réglementation	<ul style="list-style-type: none"> • Politique <p>EA 2005: Selon le Gouvernement : Il n'existe pas de politique nationale ou de plan visant à assurer l'abolition effective du travail des enfants. Toutefois, le Gouvernement envisage d'adopter une telle politique sans pour autant en avoir arrêté la date.</p> <p>EA 2002: Depuis le 9 mars 2001, date d'envoi du rapport sur le suivi de la Déclaration de l'OIT relative aux principes et droits fondamentaux au travail, un certain nombre de mesures ont été prises par le Gouvernement, visant à enrayer le phénomène déplorable de la traite et du travail des enfants.</p> <ul style="list-style-type: none"> • Législation <p>Code du Travail : Articles 6 et 177</p> <ul style="list-style-type: none"> • Réglementation <p>Adoption en avril 2001 par le Conseil des ministres d'un projet de décret relatif à la lutte contre le travail des mineurs.</p> <p>- Adoption par le Conseil des ministres du lundi 13 août 2001 d'un projet d'ordonnance qui modifie et complète certaines dispositions du Code pénal en ce qui concerne notamment le commerce, la mise en gage ou l'acceptation de gages portant sur des enfants de moins de 16 ans, ainsi que le trafic et l'exploitation de ceux-ci.</p>
		Dispositions juridiques principales	(i) Constitution (articles 17 et 18) ; (ii) Code du travail (Articles 6 et 177); (iii) Décret no. 31 /PR/MPTEP du 8 janvier 2002 relatif à la lutte contre le travail des enfants mineurs; (iv) Code pénal (article 4); (v) Ordonnance relative au trafic des enfants de moins de 16 ans (août 2001); (vi) La loi no. 16/66 portant organisation générale de l'enseignement au Gabon (scolarité obligatoire jusqu'à l'âge de 16 ans, sans distinction de sexe, d'origine et de condition sociale).
		Décisions judiciaires	RAS
	Exercice du principe et droit	Scolarité Obligatoire	OUI, l'âge d'accomplissement de la scolarité obligatoire (16 ans) correspond à l'âge minimum pour l'admission à l'emploi ou au travail.
		Age minimum	<p>EA 2005: L'âge minimum général pour l'admission à l'emploi ou au travail: 16 ans.</p> <p>La législation sur l'âge minimum s'applique aux activités suivantes: travail effectué dans une entreprise familiale; travail en entreprise; travail à domicile; service domestique; activité indépendante; agriculture commerciale; agriculture familiale et petite agriculture; travaux légers; et travaux effectués dans les zones franches.</p> <p>Selon le Gouvernement: La législation nationale définit les travaux dangereux, l'âge minimum requis pour ces travaux est de 21 ans pour les garçons et les filles.</p>
		Pires formes de travail des enfants	La C.182 est ratifiée.

		Attention spéciale accordée à des situations particulières	EAs 2005-2007: Selon le Gouvernement et la CPG: Une attention particulière est accordée aux enfants étrangers qui constituent la majeure partie des enfants au travail, principalement dans le secteur tertiaire (surtout le commerce), les garages, les menuiseries, la pêche et l'agriculture. Cette attention est également accordée aux petites filles d'origine ouest-africaine exploitées par leurs tuteurs ou tutrices. Des services sociaux d'accueil des enfants étrangers en cours de rapatriement après avoir été soustraits du milieu du travail, ont été mis en place au Gabon en coopération avec le BIT/IPEC et l'UNICEF.
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Exercice du principe et droit	Collecte et diffusion d'informations et de données	EAs 2005-2006: Le Gouvernement dispose actuellement de quelques données statistiques sur le travail des enfants au niveau de la capitale Libreville.
	Mécanismes de prévention, contrôle, mise en œuvre et/ou sanctions	<p>EAs 2005-2006: Selon le Gouvernement : L'Inspection du Travail joue son rôle de lutte contre le travail des enfants, mais la plupart des enfants travailleurs sont des travailleurs domestiques, et l'accès au domaine privé est difficile pour l'inspecteur du travail. Les sanctions prévues contre ceux qui font recours au travail des enfants vont jusqu'à l'emprisonnement. Toutefois, des actions conjointes inspection du travail/forces de sécurité sont autorisées par décret depuis 2004 afin de réprimer les pratiques de travail des enfants.</p> <p>EA 2003: Selon le Gouvernement : Une peine d'emprisonnement et/ou une amende de 10 à 20 millions de francs CFA est prévue pour « quiconque aura organisé, facilité la traite d'enfants ou y aura participé, notamment par le transport, l'introduction sur le territoire national, l'accueil, l'hébergement, la vente, l'emploi illicite ou en aura tiré un quelconque avantage ».</p>	
	Implication des partenaires sociaux	<p>EA 2003: Selon le Gouvernement : Les organisations d'employeurs et de travailleurs ont pris part à l'élaboration et à la mise en œuvre des mesures ou programmes d'action par la diffusion des informations à l'intention de l'ensemble des partenaires par le canal de séminaires, de conférences, d'ateliers et par leur implication active aux activités des structures tripartites nationales. De plus, le Gouvernement indique que les partenaires sociaux prennent une part active aux réunions de sensibilisation et interviennent dans le cadre des structures tripartites nationales.</p>	
	Activités promotionnelles	<p>EA 2007 : Le gouvernement s'est référé aux observations de la CPG concernant les activités promotionnelles menées au Gabon en matière de lutte contre le travail des enfants.</p> <p>Selon la CPG : Des services sociaux d'accueil des enfants étrangers en cours de rapatriement après avoir été soustraits du milieu du travail, ont été mis en place au Gabon en coopération avec le BIT/IPEC et l'UNICEF. Les auteurs présumés du trafic d'enfants sont présentés devant le juge. En cas de culpabilité, la sentence judiciaire les oblige à payer la caution de rapatriement des enfants travailleurs. La population a été sensibilisée sur les devoirs du citoyen, y compris la dénonciation auprès des autorités compétentes, notamment par le téléphone vert qui fonctionne toujours.</p> <p>EA 2003: Selon le Gouvernement: les mesures suivantes ont été mises en place afin de promouvoir le principe de l'abolition effective du travail des enfants: (i) lancement d'une campagne publicitaire avec la collaboration des ONG, d'ALISEI et de l'UNICEF ; (ii) intensification de la coopération avec les représentations diplomatiques des pays africains d'où sont originaires les enfants travailleurs; (iii) organisation d'une consultation sous-régionale consacrée à la question.</p> <p>EA 2001: Le Gouvernement entend définir un plan national contre le travail des enfants mais n'a pas encore terminé ses travaux. Les articles 177 et 195 du Code du travail et les articles 256 et 263 du Code pénal prévoient la répression du travail des enfants.</p>	

	<p>Initiatives spéciales/Progrès</p>	<p>EA 2006: Selon le Gouvernement : il a lancé une campagne nationale de lutte contre le travail des enfants. En outre, des décrets de répression du travail des enfants ont été adoptés en 2004 et autorisent l'Inspection du Travail et les forces de sécurité à agir conjointement ou séparément pour repérer et/ou réprimer les pratiques de travail des enfants.</p> <p>Selon la CPG: Elle apprécie les efforts accomplis par le Gouvernement en matière de lutte contre le travail des enfants, notamment la diffusion d'affiches publicitaires et de spots télévisés sur les droits de l'enfant et les obligations parentales. En outre, le Gouvernement procède à des contrôles systématiques sur les activités de l'économie informelle, en particulier dans le commerce ambulancier, afin d'y soustraire les enfants. Ces derniers sont alors regroupés dans des centres d'accueil où sont convoqués les parents pour l'identification de ces enfants et l'établissement formels de la relation adulte-enfant. A l'issue de cet exercice, les enfants étrangers sont soit rapatriés dans leur famille d'origine, souvent au Bénin ou au Togo, aux frais des parents, soit dirigés vers des centres locaux spécialisés dans l'accueil des enfants abandonnés. En cas de récidive, les auteurs de trafic d'enfants sont jugés et encourrent une condamnation pénale. La CDSA participe actuellement à une campagne entreprise par le Gouvernement dans la lutte contre le travail des enfants. Toutefois, pour que cette campagne soit un succès, il faudrait y associer les représentants diplomatiques des pays concernés par le trafic d'enfants.</p> <p>Selon la CGSL: Elle participe au développement du programme national BIT/IPEC.</p> <p>EA 2005: Selon le Gouvernement : Les mesures suivantes peuvent être considérées comme des initiatives réussies dans la réalisation du principe et du droit (PED): (i) mise en place d'un comité interministériel de lutte contre le travail des enfants, (ii) adoption en Conseil des Ministres du décret n°31/PR/MTEFP/du 8 janvier 2002 relatif à la lutte contre le travail des mineurs; (iii) adoption de l'ordonnance sur les gages ou sur le trafic des enfants de moins de 16 ans; (iv) organisation de séminaires de formation avec la participation des partenaires sociaux depuis l'installation d'un téléphone vert. En outre, le Gouvernement a lancé une campagne nationale de lutte contre le travail des enfants. En outre, des décrets de répression du travail des enfants ont été adoptés en 2004 et autorisent l'Inspection du Travail et les forces de sécurité à agir conjointement ou séparément pour repérer et/ou réprimer les pratiques de travail des enfants.</p>	
<p>DIFFICULTES DANS LA REALISATION DU PRINCIPE ET DROIT</p>	<p>Selon les partenaires sociaux</p>	<p>Organisations d'employeurs</p>	<p>EA 2007: Selon la CPG: Il y a de moins en moins en moins d'enfants dans les rues, mais cela ne signifie pas que le travail des enfants soit en baisse au Gabon.</p> <p>EA 2005: Observations de la CPG : (i) contradiction qui existe entre la consultation réelle et la consultation a posteriori des partenaires sociaux telle que l'affirme le Gouvernement; et (ii) nécessité d'améliorer la mobilité des inspecteurs du travail dans la capitale mais aussi à l'intérieur du pays (fourniture de véhicules).</p>

DIFFICULTES DANS LA REALISATION DU PRINCIPE ET DROIT	Selon les partenaires sociaux	Organisations de travailleurs	<p>EA 2007: Selon la CGT/FL: le travail des enfants touche surtout l'économie informelle et concerne en particulier des enfants d'origine étrangère.</p> <p>EA 2006: Selon la CDSA : le travail des enfants gabonais ne se pose pas vraiment. Toutefois, il existe un trafic d'enfants étrangers dans le pays, souvent à des fins domestiques de la part des étrangers qui les amènent dans le pays ou de nationaux qui les exploitent.</p> <p>Selon la CDSL : les enfants gabonais sont rarement victimes du travail des enfants. En réalité, le fléau touche principalement les enfants originaires de l'Afrique de l'Ouest, notamment dans les rues et l'économie informelle d'une manière générale (sous forme de mendicité ou de vente à la sauvette).</p> <p>EA 2005: Selon la CGSL: (i) il y a un lien entre l'accroissement du chômage entraîné par les privatisations demandées par les institutions de Bretton Woods, l'abandon de la scolarité par les enfants de ces nouveaux chômeurs qui se sont souvent tournés vers la délinquance ou le travail dans l'économie informelle ; (ii) la paupérisation progressive de l'économie informelle alliée au phénomène des mères célibataires a un effet multiplicateur sur le travail des enfants qui se fera alors au détriment de la fréquentation scolaire ; (iii) des enfants sont exploités dans l'extraction du sable des fleuves Bonengui et Lalolo dans la province de Ogonelolo ; et (iv) l'exploitation des enfants étrangers par le biais de la mendicité, du petit commerce ou du travail domestique est en voie de disparition suite à l'action conjointe du gouvernement, du BIT, de l'UNICEF et d'autres organisations internationales et non gouvernementales.</p> <p>Selon la COSYGA: (i) absence d'application de la législation et de la réglementation en matière d'âge minimum à l'emploi ; (ii) recours au travail des enfants dans la communauté étrangère, mais aussi par les couches nanties de la population gabonaise ; (iii) absence d'efficacité de l'inspection du travail et des forces de sécurité dans la lutte contre le travail des enfants ; et (iv) impunité.</p> <p>EA 2002: Observations de la CISL: (i) les plaintes relatives au travail des enfants ne font pas l'objet d'une enquête, et les violations restent souvent impunies; (ii) le travail forcé des enfants et la traite d'enfants provenant d'autres pays de la région vers le Gabon constituent un problème sérieux; (iii) le travail des enfants est très répandu, à la fois en milieu rural et en milieu urbain; (iv) le ministère du Travail fait preuve de réelles carences pour faire face à ce problème; (v) la traite des enfants entre les pays d'Afrique Occidentale et Centrale se poursuit.</p> <p>EA 2001: Observations de la CMT et de la COSYGA : La législation sur le travail des enfants n'est pas respectée dans l'économie informelle.</p>
	Selon le Gouvernement	<p>EA 2007: Le gouvernement a confirmé les observations de la CGT/FL selon lesquelles le travail des enfants touche surtout l'économie informelle et concerne en particulier des enfants d'origine étrangère.</p> <p>EA 2005: Le principal obstacle à la mise en oeuvre du PED est le fait que le travail des enfants ait surtout lieu dans les domiciles privés que les inspecteurs du travail ont beaucoup de mal à contrôler ces lieux privés.</p>	

COOPERATION TECHNIQUE	Demande	<p>EA 2007: Le Gouvernement a sollicité l'appui du Bureau à l'Administration du Travail de son pays dans la lutte contre le travail des enfants. La CPG a appuyé la demande d'appui technique et matériel au Gouvernement tout en sollicitant le même appui pour la fondation de la CPG créée en 2005 dans le cadre de sa lutte contre le travail des enfants. La CGT/FL a sollicité la coopération technique du Bureau en matière d'éducation ouvrière sur le travail des enfants, la Déclaration et les normes fondamentales de l'OIT.</p> <p>EA 2006: Selon le Gouvernement : il souhaite l'extension du Programme BIT/IPEC. Selon la CPG : la coopération technique du BIT est souhaitée en vue de sensibiliser ses membres dans la lutte contre le fléau du travail des enfants au Gabon. Selon la CDSA : l'assistance technique du BIT/IPEC dans le cadre de la lutte contre le trafic et le travail des enfants au Gabon devrait aussi impliquer les représentants des pays d'origine des enfants victimes de trafic. La CDSA souhaite un appui technique du BIT au niveau des journées de réflexion sur le thème de la scolarisation et le travail des enfants qu'elle organise à l'intention des jeunes à travers le pays. Selon la CDSL : la CGSL souhaite que le programme BIT/IPEC en cours soit renforcé, tout en assurant une possibilité d'initiative directe de la part des partenaires sociaux dans le cadre de leur propre programme d'action.</p> <p>EA 2005: La coopération technique avec le BIT est nécessaire pour faciliter la réalisation du PED au Gabon, en particulier dans les domaines suivants, classés par ordre de priorité: (i) Renforcement de la capacité des organismes gouvernementaux responsables (inspection et administration du travail par exemple) ; (ii) Formation des fonctionnaires d'autres services (police, justice, travailleurs sociaux, enseignants, etc.) ; (iii) Programme spécial pour l'élimination des pires formes de travail des enfants; (iv) Collecte et analyses des données; (v) Sensibilisation aux droits des personnes et mobilisation; (vi) Échanges d'expériences entre pays ou régions; (vii) Mécanismes de coopération transfrontalière ; (viii) Renforcement de la capacité des organisations d'employeurs et de travailleurs ; Conseil en matière de politique; (ix) Création d'emplois et des revenus, amélioration des compétences professionnelles et génération de revenu, Reformes des instruments juridiques ; (x) Systèmes de protection sociale ; (xi) Coordination inter institutionnelle.</p>
	Offre	BIT/IPEC; UNICEF, ONGs; Union Africaine.
OBSERVATIONS/ RECOMMANDATIONS DES EXPERTS-CONSEILLERS	RAS	
OBSERVATIONS/ RECOMMANDATIONS DU CONSEIL D'ADMINISTRATION	RAS	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: GHANA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES except for the 2000 and 2004 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES according to the Government: Involvement of the Ghana Mines Workers Union (GMWU), the Health Service Workers Union (HSWU), Local Government Workers Union (LGWU), the Public Utility Workers Union (PSWU), the Maritime and Dock Workers Union (MDU), the National Union of Seaman (NUS), the Ghana Private Road Transport Union (GPRTU), the General Agricultural Workers Union (GAWU), the Timber and Wood Workers Union (TWU), the Communication Workers Union (CWU), the Construction and Building materials Workers Union (CBMWU), the Teachers and Educational Workers Union (TEWU), the Railway Workers Union (RWU), the Railway Enginemen's Unions (REU), the General Transport Petroleum and chemical Workers Union (GPTCWU), the Union of Commerce Industry and Finance (UNICOF), the GEA and the GTUC through communication of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the GEA. 2006 AR: Observations by the GEA. 2005 AR: Observations by the GEA.	
	Workers' organizations	2007 AR: Observations by the GTUC. 2006 AR: Observations by the GTUC. 2005 AR: Observations by the GTUC. 2002 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Ghana 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)

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.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Ratification intention	<p>YES since 2001, for the Minimum Age Convention, 1973 (No. 138) (C.138).</p> <p>2007 AR: According to the Government: Ratification of C.138 by Ghana is still in process.</p> <p>The GEA and the GTUC stated that this ratification process should be accelerated, in cooperation with the ILO.</p> <p>2005 AR: The Government stated that it would soon ratify C.138.</p> <p>2002 AR: The Government stated that the Bill for ratification of C.138 was before Parliament.</p> <p>2001 AR: The Government states that the National Advisory Committee on Labour (NACL) has recommended ratification of C.138.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	<p>YES, the 1992 Constitution, article 28(2), provides that: “Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development.” Moreover, articles 16 and 28 of the same text provide for protection against slavery and forced labour of any person and the enactment of legislation ensuring that children and young persons receive special protection against exposure to physical and moral hazards, respectively.</p>
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2007 AR: According to the Government: The Ministry of Women and Children Affairs has drawn up a 3 year Strategic Development Plan to implement the National Gender and Children Policy in collaboration with stakeholders and has set up a Secretariat to co-ordinate and monitor the implementation of the Human Trafficking Law.</p> <p>Furthermore, the Government indicated that it had adopted a policy called the Capitation Grant Scheme which sought to take care of minor levies at the basic school level that might otherwise prevent children from going to school.</p> <p>2002-2007 ARs: According to the Government: The principle and right (PR) is recognized in national policy. A tripartite national advocacy strategy on child labour is being developed in cooperation with the GEA and the. For instance, the Government has adopted a policy on Free, Compulsory and Universal Basic Education (FCUBE), which aims at ensuring that every child acquires basic education within the next five years. There is also a poverty alleviation Programme to improve family income, since poverty has been identified as the root cause of child labour. A three-year Child Trafficking Project was launched by the Government in cooperation with the ILO/International Programme on the Elimination of Child Labour (IPEC).</p> <ul style="list-style-type: none"> - January 2001: (i) establishment of the Ministry of Women and Children’s Affairs and of the Ministry of Basic Secondary and Girl-Child Education; and (ii) establishment of several institutions to deal with the child labour menace; - November 2000: Development of a National Plan of Action to Combat Child Labour;

			<ul style="list-style-type: none"> - August 2000: Establishment of a National Steering Committee on Child Labour; - March 2000: (i) signing of a Memorandum of Understanding between the Government and ILO/IPEC; and (ii) establishment of a Child Labour Unit within the Labour Department to facilitate action on the worst forms of child labour; - Since 1979, the Ghana National Commission on Children (GNCC) formulates policies related to child welfare, and serves as a coordinating body involved in advocacy and monitoring of child-related activities. <p>• Legislation</p> <p>2006 AR: Children’s Act No. 560 of 1998 refers to the principle and right (PR). Labour Act No. 651 of 2003 has repealed the Labour Decree No. 157 of 1967.</p>
		Basic legal provisions	(i) Constitution, article 28(2); (ii) Children’s Act No.560 of 1998; (iii) Courts Act No. 459 of 1993; (iv) Criminal Code Act, No. 29 of 1960; (v) The Criminal Procedure Code of 1960; (vi) the Labour Act No. 651 of 2003; (vii) the Criminal Amendment Act No. 554 of 1998; (viii) the Human Trafficking Act No. 694 of 2005; and (ix) the Education Act of 1960.
		Judicial decisions	NIL
Exercise of the principle and right	Compulsory education	The age of completion of free compulsory schooling (15 years) corresponds to the minimum age for admission to employment or work.	
	Minimum Age	<p>2003 AR: General minimum age for admission to employment or work: 15 years for both boys and girls (Children’s Act No. 560 of 1998, section 89).</p> <p>This general minimum age covers the following types of work: work performed in a family-owned/operated enterprise; work performed in enterprises below a certain size (small); domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; work performed in export processing zones; and all types of work excluding light work.</p> <p>Light work: minimum age of 13 years for both boys and girls (Children’s Act, section 90). This type of work is defined as “work which is not likely to be harmful to the health or development of a child and does not affect the child’s attendance at school or the capacity of a child to benefit from school work”.</p> <p>Hazardous work: minimum age of 18 years for both boys and girls (Children’s Act, section 91.3).</p>	
	Worst Forms of Child Labour	C. 182 is ratified.	
	Special attention to particular situations	2003 AR: According to the Government: Street children, children operating in cocoa and commercial agriculture and children who are victims of trafficking.	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information/Data collection and dissemination	<p>2007 AR: The Government indicated that the Ghana Statistical Service had conducted a survey on child labour in the country in 2005.</p> <p>2006 AR: According to the Government: A child labour monitoring system (CLMS) has been established in 2005, including a database to collect national information on child labour. This information is analyzed and disseminated. Moreover, a study on occupational safety and health has been carried out by the MOH and WACAP.</p> <p>2001-2003 ARs: Establishment in March 2000 of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC). The Government also undertakes surveys that provide statistical information on the extent and/or nature of child work. The results are presented separately by: sex, age (five to 16 years), occupation, type of activity and number of hours worked.</p>
	Prevention, monitoring, enforcement and/or sanction mechanisms	<p>2007 AR: According to the Government: National laws prohibit child labour and provide for sanctions against violations.</p> <p>2006 AR: According to the Government: The CLMS prevents and monitors child labour within the country, with the involvement of the communities.</p> <p>2001-2003 ARs: According to the Government: The Ghana National Commission on Children (GNCC), a public institution, is involved in the monitoring of child-related activities, Labour Inspection to ensure law enforcement in both formal and informal economy: Children's Act, 1998, sections 95 and 96. The Ghana Private Road Transport Union has been monitoring the trafficking of children. The police and social welfare officers can make investigation on child labour issues. Penal Sanctions from fine to imprisonment are provided for under the Children's Act, 1998, section 94(1) and (2).</p>	
	Involvement of the social partners	<p>2001-2006 ARs: According to the Government: Employers' and workers' organizations (and civil society) are involved in the establishment and functioning of the following committees and task forces: ILO/IPEC National Steering Committee; ILO/IPEC Educational Task Force; ILO/IPEC National Task Force against trafficking of children for labour exploitation; and the ILO/IPEC West Africa Cocoa and Agricultural Project (WACAP). Moreover, the Ghana Private Road Transport Union has been monitoring trafficking of children.</p>	
	Promotional activities	<p>2007 AR: According to the Government: A National Task Force on Human Trafficking has been established to sensitize, train and equip stakeholders with the skills for appropriate handling of human issues. The GEA and the GTUC stated that they had carried out various surveys on child labour in the country in cooperation with ILO/IPEC.</p> <p>2001-2003 ARs: According to the Government: GNCC is involved in advocacy of child-related activities. The Commission on Human Rights and Administrative Justice (CHRAJ), a public institution (with an ombudsman status), is involved in nationwide advocacy on the rights of children. The Government also organizes awareness raising/advocacy activities, including an Information, Education and Communication (IEC) package for public institutions and NGOs and a vocational and skills training for young workers. The GEA observed that it had carried out awareness raising activities on the existence of child labour and its implication in the future development of enterprises and the development of the economy, with a view to eradicating this phenomenon in the informal economy. The GTUC observed that it had organized educational programmes for affiliates on the integration of child labour issues into collective agreements. Moreover, the General Agriculture Workers' Union has carried out some research on the use of child labour in certain areas of the country (Volta Lake and Northern region of Ghana).</p>	

<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Special initiatives/Progress</p>	<p>2006 AR: According to the Government: A White Paper explaining its policy on early child development (ECD), on education, school feeding and fee paying has been published. It has now taken over fee payment and school feeding for at least one daily meal. In this respect, the ECD is now part of the regular basic school system to protect children and ensure that they receive quality education. A youth employment initiative has also been launched.</p> <p>2005 AR: According to the Government: Parents of working children are assisted in having access to small credit in order to set up micro-enterprises to sustain them and their children. According to the GTUC: In partnership with ILO/IPEC, employers' and workers' organizations, NGOs, as well as governmental agencies (such as the Ghana police service, the Ghana immigration service, the judicial service and the Ministry of Women and Children's Affairs), child workers are being withdrawn from their worksites and reintegrated into their families and schools. In particular, some GTUC affiliates like the Teachers and Educational Workers' Union have a project in collaboration with Education International through which children working in the border towns have been withdrawn and sent to school. The project pays their school fees and also gives them meals. The Action Programme on the tourism sector has withdrawn a total of 290 children, out of which 250 have been placed in formal or non-formal education classes. The remaining 40 children are yet to be placed in schools.</p> <p>2003 AR: According to the Government: A national Poverty Reduction Programme including a Street Children component has been launched in cooperation with the World Bank. Moreover, several projects to withdraw working children, counsel and mainstream them into formal or informal schools have been carried out in cooperation with ILO/IPEC In this respect, a total of 1,006 children have been withdrawn from work and mainstreamed into schools.</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2005- 2007 ARs: According to the GEA, child labour is prevalent in the informal economy.</p>
		<p>Workers' organizations</p>	<p>2007 AR: According to the GTUC: Poverty is a challenge to the elimination of child labour in Ghana, and this scourge exists in urban and rural areas.</p> <p>2002 AR: The ICFTU raised the following challenges: (i) children, especially girls, frequently drop out of school due to economic pressures; (ii) non-observance of the law on minimum age for admission to employment or work employment; and (iii) widespread practice of child labour, with an estimate that 12 per cent of children aged 10 to 14 are economically active, especially girls working as domestic servants and children working in rural areas within their families.</p>
	<p>According to the Government</p>	<p>2006-2007 ARs: There is a widespread ignorance on child labour issues.</p> <p>2002-2003 ARs: The Main difficulties encountered in Ghana in realizing the PR are as follows: (i) poverty; and (ii) the Free Compulsory Universal Basic Education (FCUBE) Programme is not really free.</p>	
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2003-2007 ARs: According to the Government: Needs for ILO technical cooperation to facilitate the realization of the PR in Ghana exist in the following areas, in order of priority: (1) special programme for the elimination of the worst forms of child labour; (2) awareness raising, legal literacy and advocacy; (3) inter-institutional coordination; (4) strengthening capacity of employers' and workers' organizations; (5) data collection and analysis; (6) training of other officials (e.g. police, judiciary, social workers, teachers); (7) capacity-building of responsible government institutions (e.g. labour inspection and administration); (8) employment creation, skills training and income generation; (9) policy advice; (10) social protection systems; (11) cross-border cooperation mechanisms; (12) Sharing of experience across countries and regions; (13) legal reform.</p> <p>AR 2007: The GEA and the GTUC requested further capacity building of their members and surveys on child labour issues, but also ILO assistance to accelerate ratification of C.138 by Ghana.</p>	

	Offer	<p>2006-2007 ARs: ILO/IPEC Time-Bound Programme.</p> <p>2000-2005 ARs: ILO, ILO/IPEC, UNICEF, UNDP, the World Bank and international and local NGOs.</p>
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

BASE DE RÉFÉRENCE PAR PAYS CONTENUES DANS LA REVUE ANNUELLE DE LA DÉCLARATION DE L'OIT(2000-2007)¹: GUINEE-BISSAU

L'ABOLITION EFFECTIVE DU TRAVAIL DES ENFANTS (TE)

SOUMISSION DES RAPPORTS	Accomplissement de l'obligation de rapport par le gouvernement	OUI , sauf pour les Examens Annuels (EAs) de 2001, 2004 et 2006.	
	Implication des organisations d'employeurs et des travailleurs dans l'élaboration du rapport	OUI , Implication de la Chambre du Commerce, de l'Industrie et de l'Agriculture (CCIA), de l'Association des syndicats indépendants (CGSI/GB), ainsi que de l'Union nationale des travailleurs de Guinée-Bissau (UNTGB) par voie de communication des rapports gouvernementaux.	
OBSERVATIONS DES ORGANISATIONS D'EMPLOYEURS ET DE TRAVAILLEURS	Organisations d'employeurs	RAS	
	Organisations de travailleurs	RAS	
EFFORTS ET PROGRES REALISES DANS LA REALISATION DU PRINCIPE ET DROIT	Ratification	Etat des ratifications	La Guinée-Bissau n'a ratifié ni la convention (no.138) sur l'âge minimum, 1973 (C.138), ni la convention (no.182) sur les pires formes de travail des enfants, 1999 (C.182)
		Intention de ratification	<p>OUI, depuis 2000 pour la C.138 et la C.182.</p> <p>EA 2007: Selon le gouvernement : les conventions nos 138 et 182 sont devant l'Assemblée nationale populaire.</p> <p>EA 2003: Les lois de ratification de la C.138 et de la C.182 ont été votées par le Parlement mais ne sont toujours pas promulguées par le Chef de l'État.</p> <p>EA 2002: Le gouvernement a adopté des mesures de réforme des instruments juridiques et prévoit la soumission de la C.182.</p> <p>EA 2000: C.138 a été soumise à l'approbation des autorités compétentes en vue d'une ratification ultérieure.</p>

¹ Les bases de référence par pays contenues dans la revue annuelle de la Déclaration sont basées sur les éléments suivants: les rapports des gouvernements, les observations des organisations d'employeurs et de travailleurs, les cas d'étude préparés par les États et le BIT, et les observations/recommandations faites par les experts –conseillers de la Déclaration de l'OIT et le Conseil d'administration du BIT.

	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Constitution	OUI, le principe de l'abolition effective du travail des enfants est reconnu dans la Constitution.
		Politique, législation et/ou réglementation	<p>Législation:</p> <p>EA 2007: Selon le gouvernement: le principe est reconnu dans la législation du travail (Code général du travail de 1986). Ce Code a été révisé, mais n'est pas encore publié.</p> <p>EA 2003: Selon le gouvernement: La Commission parlementaire de la Guinée-Bissau sur les femmes et les enfants est chargée de modifier et d'adopter la législation conformément aux besoins et aux droits de ces groupes vulnérables.</p>
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Politique, législation et/ou réglementation	EA 2002-2003 EAs: Selon le gouvernement : Les mesures mises en place pour réaliser le principe et droit: Réforme des instruments juridiques: révision du Code général du travail et soumission de la convention (n°138) sur l'âge minimum, 1973, de la Convention (n°182) sur les pires formes de travail des enfants, 1999, et de la recommandation (n°190) sur les pires formes de travail des enfants, 1999 à l'approbation de l'Assemblée nationale populaire
		Dispositions juridiques principales	Code général du travail de 1986 (article 146) et ses amendements qui seront publiés.
		Décisions judiciaires	RAS
		Scolarité obligatoire	EA 2003: La législation ne fixe pas l'âge de fin de scolarité obligatoire, mais les garçons et filles doivent achever la sixième année.
	Exercice du principe et droit	Age minimum	<p>EA 2003: L'âge minimum général pour l'admission à l'emploi ou au travail: 14 ans (article 146 du Code du général travail).</p> <p>Travaux dangereux : Age minimum de 18 ans, mais pas de définition des travaux dangereux. Des travaux de modification de la législation sont en cours pour introduire des dispositions relatives à l'élimination des formes dangereuses de travail des enfants</p>
		Pires formes de travail des enfants	EA 2007: Selon le gouvernement : il n'y a pas de définition claire des pires formes de travail des enfants, et l'assistance du BIT serait appréciée à cet égard.
	Exercice du principe et droit	Attention spéciale à des situations particulières	Selon le gouvernement: Les enfants dans l'économie informelle.
		Collecte et diffusion d'informations/de données	EA 2007: Selon le gouvernement: il n'y a pas des ressources disponibles pour faire la collecte de données sur la réalisation du principe et droit (PED) dans le pays.
	Mécanismes de contrôle, mise en œuvre et/ou sanctions	<p>EA 2007: Selon le gouvernement signale un manque de capacité des inspecteurs du travail.</p> <p>EAs 2002-2003: Selon le gouvernement: Des mécanismes d'inspection ou de supervision ont été en mis en place en vue de la réalisation du principe et droit. Des sanctions sont prévues contre le travail des enfants conformément à l'article 186/1(e) du Code du Travail</p>	
	Implication des partenaires sociaux	RAS	

	Activités promotionnelles	RAS	
	Initiatives spéciales/Progrès	EA 2003: Selon le gouvernement: (i) Création de l'Institut pour la mère et l'enfant; (ii) Création d'une commission parlementaire sur les femmes et les enfants; et (iii) Soumission des conventions n ^{os} 138 et 182 à l'Assemblée nationale populaire en vue de leur approbation	
DIFFICULTES DANS LA REALISATION DU PRINCIPE ET DU DROIT	Selon les partenaires sociaux	Organisations d'employeurs	RAS
		Organisations de travailleurs	RAS
	Selon le gouvernement	EA 2007: Selon le gouvernement: La situation économique et financière du pays rend difficile la réalisation du PED en Guinée-Bissau. En outre, il y a un manque de capacité des inspecteurs du travail.	
COOPERATION TECHNIQUE	Demande	<p>EA 2007: Le gouvernement a sollicité l'appui technique du BIT en matière de définition des pires formes de travail des enfants.</p> <p>EA 2005: Selon le gouvernement: Une coopération technique avec le BIT serait nécessaire pour faciliter la réalisation du PED dans les domaines suivants par ordre de priorités : (1) Conseil en matière de politique, Formation des fonctionnaires d'autres services (police, justice, travailleurs sociaux, enseignants, etc.), Renforcement des capacités des organisations d'employeurs et de travailleurs, Système de protection sociale, Échange d'expériences entre pays ou régions, Programme assorti de délais pour l'élimination des pires formes de travail des enfants; (2) Œuvre de sensibilisation; initiation juridique; et mobilisation ; et (3) Coopération transfrontalière, Collecte et analyse de données, Création d'emplois, amélioration des compétences professionnelles et génération de revenus.</p>	
	Offre	BIT	
OBSERVATIONS/ RECOMMANDATIONS DES EXPERTS-CONSEILLERS	RAS		
OBSERVATIONS/ RECOMMANDATIONS DU CONSEIL D'ADMINISTRATION	RAS		

BASE DE RÉFÉRENCE AU TITRE DE L'EXAMEN ANNUEL DE LA DÉCLARATION DE L'OIT (2000-2007)¹: HAÏTI

ABOLITION EFFECTIVE DU TRAVAIL DES ENFANTS (TE)

SOUSSION DES RAPPORTS	Accomplissement par le gouvernement de l'obligation de rapport	OUI , sauf pour les Examens annuels (EAs) de 2000 et de 2002 à 2004.
	Implication des organisations d'employeurs et de travailleurs dans l'élaboration des rapports	<p>EA 2006 : Réponses aux commentaires des partenaires sociaux: Le Centre d'accueil des enfants en état vulnérable a été réouvert en février 2005. Par ailleurs, le Gouvernement organise une journée nationale annuelle des enfants.</p> <p>Le gouvernement Haïtien réclame dans la plus large mesure la collaboration et la participation des organisations représentatives d'employeurs et des travailleurs et des différents secteurs nationaux en vue de la réalisation des programmes nationaux conçus au profit des normes fondamentales et prioritaires de l'OIT.</p> <p>OUI, selon le Gouvernement: sous forme de consultation et/ou de communication des rapports pertinents aux organisations suivantes d'employeurs et de travailleurs: Association des Industries d'Haïti (ADIH); Association des producteurs agricoles (APA); Association des agents de lignes maritimes (AGEMAR); Association hôtelière et touristique Hôtel Montana (AHTH); Association interaméricaine des hommes d'affaires (AIHA); Association des producteurs nationaux (APRONA); Association professionnelle des banques (APB); Association nationale des distributeurs de produits pétroliers (ANADIPP); Association des exportateurs de café d'Haïti (ASDECH); Association des assureurs d'Haïti (AAH); Chambre de commerce et d'industrie d'Haïti (CCIH); Haitian American Chamber of Commerce and Industry (HAMCHAM); ; Centrale autonome des travailleurs haïtiens (CATH); Coordination syndicale haïtienne (CSH) ; Confédération des travailleurs haïtiens (CTH); Centrale générale des travailleurs (CGT); Confédération nationale des éducateurs haïtiens (CNEH); Chambre franco-haïtienne de commerce et d'industrie (CFHCI); Confédération indépendante des syndicats nationaux (CISN); Fédération nationale des travailleurs syndiqués (FNST); Fédération des ouvriers syndiqués (FOS); Mouvement syndical haïtien (MSH); Organisation générale indépendante des travailleurs haïtiens (OGITH); Organisation nationale des travailleurs haïtiens (ONTH); Secteur Syndical Haïtien (SSH) ; Fédération nationale des travailleurs de l'éducation et de la culture (FENATEC); Corps national des enseignants d'Haïti (CONEH); Union nationale des normaliens d'Haïti (UNNOH); Groupe d'Initiatives des enseignants de lycées (GIEL).</p>

¹ La base de référence par pays au titre de l'Examen annuel de la Déclaration est fondée sur les éléments suivants, dans la mesure de leur disponibilité: rapports des gouvernements, observations des organisations d'employeurs et de travailleurs, études de cas préparés sous les auspices du pays et du BIT, ainsi que les observations/recommandations formulées par les Experts-conseillers de la Déclaration de l'OIT et le Conseil d'Administration de l'OIT

OBSERVATIONS DES ORGANISATIONS D'EMPLOYEURS ET DE TRAVAILLEURS	Organisations d'employeurs	EA 2006 Observations de l'ADIIH Observations de la CHAMCAM EA 2005: Observations de l'ADIIH.		
	Organisations de travailleurs	EA 2006 : Observations de la CSH Observations de la CTH Observations de la GIEL Observations du MSH Observations de la OGITH Observations de la SSH EA 2005: Observations de la CSH, observations du MSH, observations du SSH.		
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Ratification	État des ratifications	Haïti n'a ratifié ni la convention (no. 138) sur l'âge minimum, 1973 (C.138) , ni la Convention (no. 182) sur les pires formes de travail des enfants, 1999 (C.182).	
		Intention de ratification	OUI, depuis 2006, pour la C. 138 et la C. 182. EA 2007 : Selon le Gouvernement: Après deux années de transition politique, l'Assemblée nationale et le Sénat ont été régulièrement élus, ce qui va accélérer le processus de ratification de la C.138 et de la C.182. EA 2006 : Le Gouvernement a préparé le projet de loi de ratification de la C.138 et de la C.182. Ce projet sera présenté devant le Parlement après son élection en novembre 2005 et son entrée en fonction en février 2006.	
	Reconnaissance du principe et droit (perspective(s), moyens d'action, dispositions juridiques principales)	Constitution	OUI Le Gouvernement estime que la situation politique actuelle ne permet pas la ratification de ces deux conventions. La Constitution fait référence au principe et droit (PED) dans ses dispositions suivantes : Articles 32-5, 35-6 et 261.	
		Politique, législation et/ou réglementation	<ul style="list-style-type: none"> Législation: Code du travail: Articles 138, 139, 140-141 333, et 335-336. 	
		Dispositions juridiques principales	(i) Constitution : articles 32-5, 35-6 et 261; et (ii) Code du travail : articles 138, 139, 140-141 333, et 335-336.	
		Décisions judiciaires	RAS	
	Exercice du principe et droit	Scolarité obligatoire Age minimum	OUI, selon le Gouvernement: jusqu'à l'âge de 15 ans.	
EFFORTS ET PROGRES ACCOMPLIS DANS LA REALISATION DU PRINCIPE ET DROIT	Exercice du principe et droit	Travaux dangereux	EA 2006 : l'âge minimum pour les travaux dangereux est de 18 ans ou sur autorisation de l'Inspection du Travail, si l'enfant est mineur.	
		Attention spéciale accordée à des situations particulières	EA 2005-2006: Selon le Gouvernement: Les travailleurs domestiques, dont le nombre est estimé à plus de 250 000.	

		Collecte et diffusion d'informations et/ou de données	RAS
	Mécanismes de prévention, contrôle, mise en œuvre et/ou sanctions	Selon le Gouvernement: Il y a une visite médicale gratuite et obligatoire pour certains emplois jusqu'à l'âge de 18 ans (réorientation, réadaptation physique et formation professionnelle en cas d'inaptitude, anomalies ou déficiences. L'Institut du Bien-être social et de Recherche (IBESR) joue un rôle de suivi concernant les enfants, notamment à travers le Service de la protection des mineurs.	
	Implication des partenaires sociaux	RAS	
	Activités promotionnelles	EA 2007 : Selon le Gouvernement : Un centre de réinsertion scolaire des enfants démunis a été créé en février 2005 à Carrefour dans la banlieue de Port au Prince. En outre, le Gouvernement exige la scolarisation de tous les enfants ayant atteint l'âge de la scolarité obligatoire.	
	Initiatives spéciales/Progrès	EA 2006 : Selon le Gouvernement: Depuis 2003, une loi interdit le travail domestique. Le Gouvernement a réouvert en février un Centre d'accueil des enfants en état vulnérable. De même, il organise chaque année une journée nationale des enfants. Selon La CSH: une commission d'enquête sur le phénomène du travail des enfants dans le pays a été établie par la CSH. Elle a également participé en juin 2005 à la Journée nationale des Enfants. Selon le SSH: une Organisation nationale pour l'encadrement des experts (ONEE) a été établie par le SSH.	
DIFFICULTES RENCONTREES DANS LA REALISATION DU PRINCIPE ET DROIT	Selon les partenaires sociaux	Organisations d'employeurs	ADIH: Nécessité de: (i) renforcement des capacités de l'administration et de l'inspection du travail; et de (ii) mise en place d'un mécanisme institutionnel spécial pour l'abolition effective du travail des enfants.
		Organisations de travailleurs	EAs 2005-2006 : Selon CSH et GIEL: Difficultés: Certains enfants sont exploités à des fins politiques par des gangs armés. Selon MSH et CTH : Il y a un grand problème avec la traite des enfants haïtiens en République dominicaine. Le Gouvernement doit réagir fermement devant cette situation en ouvrant un centre d'accueil pour les enfants concernés par cette traite. Selon le SSH et l'OGITH: Il y a à la frontière entre Haïti et la République dominicaine une traite d'enfants qui deviennent des travailleurs domestiques en République dominicaine. Le Gouvernement doit réagir contre ce fléau. Selon la CSH, le MMS et le SSH : la pauvreté et l'exclusion sociale doivent être combattues.
	Selon le Gouvernement	EA 2007 : Selon le Gouvernement : Il y a des enfants travailleurs domestiques dans le pays.	

COOPERATION TECHNIQUE	Demande	<p>EA 2007: Le Gouvernement sollicite l'appui du BIT pour développer les centres de réinsertion scolaire des enfants démunis.</p> <p>EA 2006 : Selon le Gouvernement : les priorités en demande de coopération sont comme suit: (1) reprise du Programme international pour l'élimination du travail des enfants (IPEC); (2) organisation de deux séminaires nationaux tripartites sur les principes et droits fondamentaux au travail, avec un accent sur la C.138 et la C.182, ainsi que les conventions sur l'inspection du travail ; (3) collecte de données statistiques sur le travail des enfants.</p> <p>Selon CSH et GIEL : Coopération technique demandée: (i) pour le renforcement et le fonctionnement de la commission d'enquête susvisée ; et (ii) pour la commission nationale tripartite de consultation et d'arbitrage, afin que celle-ci puisse mieux aborder la question du travail forcé dont les enfants sont également victimes.</p> <p>Selon le MSH et la CTH : ils souhaitent l'appui technique et matériel du BIT au Gouvernement, ainsi qu'aux organisations syndicales haïtiennes dans la lutte contre le travail des enfants, notamment dans le développement de centres d'accueil pour enfants.</p> <p>Selon SSH et OGITH: Appui à l'ONEE.</p> <p>Selon le Gouvernement: Haïti recherche les moyens disponibles notamment les assistances et coopération internationales .</p> <p>Selon le Gouvernement, les priorités en demande de coopération sont comme suit: (1) Reprise du Programme international pour l'élimination du travail des enfants (IPEC); (2) Organisation de deux séminaires nationaux tripartites sur les principes et droits fondamentaux au travail, avec un accent sur la C.138 et la C.182, ainsi que les conventions sur l'inspection du travail.</p>
	Offre	Projet BIT/IPEC, mais arrêté actuellement.
OBSERVATIONS/ RECOMMANDATIONS DES EXPERTS- CONSEILLERS	RAS	
OBSERVATIONS/ RECOMMANDATIONS DU CONSEIL D'ADMINISTRATION	RAS	

COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: INDIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the start of the Annual Review (AR) in 2000. No change report for the 2005 AR.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Council of Indian Employers; Employers' Federation of India (EFI); All India Organisation of Employers; Standing Conference of Public Enterprises; All India Manufacturers' Organisation (Lagdh Udyog Bharati-AIMO); Bharatiya Mazdoor Sangh; Indian National Trade Union Congress (INTUC); Centre of Indian Trade Unions (Hind Mazdoor Sabha-HMS); All India Trade Union Congress; United Trade Union Congress (AITUC); and National Front of Indian Trade Unions through communication of Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the Employers Federation of India (EFI)	
	Workers' organizations	2007 AR: Observations by HMS Observations by INTUC 2003 AR: Observations by HMS Observations by the International Confederation of Free Trade Unions (ICFTU). 2002 AR: Observations by the World Confederation of Labour (WCL).	
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).

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>Ratification intention</p>	<p>YES, ratification of C. 138 and C. 182 will be considered once the national laws are in conformity with the provisions of these conventions.</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.</p> <p>According to the EFI: C.138 and C.182 should be ratified by India at a later stage.</p> <p>According to HMS and INTUC: Ratification of C.138 and C.182 is supported by all trade unions of India. A tripartite committee on 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 unratified 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>2002 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>2001 AR: 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>
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	<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Constitution</p>	<p>YES, 2006 AR: The Constitution of India was amended. The Constitution (86th) Amendment Act, 2002 which was published in the Gazette of India on 13th December 2002 to make education for children in the age group of 6-14 years a Fundamental Right, reads as follows: -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> <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 directs 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) which provides 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>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Recognition of the principle and right (prospect(s), means of action, basic provisions)</p>	<p>Policy, Legislation and/or regulations</p>	<ul style="list-style-type: none"> • Policy <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. -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> <ul style="list-style-type: none"> • Legislation <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.</p>
		<p>Basic legal provisions</p>	<p>(i) 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; and (xii) the Indian Information Technology Act 2000.</p>

		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>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Special attention to particular situations	2003 AR: According to the Government: Special measures have been undertaken to combat trafficking of women and children.
		Information/Data Collection and Dissemination	<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 the Government undertakes a census that provides information on the extent and/or nature of child work.</p> <p>-Surveys of working children are also undertaken by National Sample Survey Organisations 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.</p> <p>-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> <p>2000 AR: According to the 1991 census, the estimated figure of working children was 11.28 million.</p>
	Monitoring, enforcement and sanctions mechanisms	<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>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>2007 AR: According to the Government: A joint project in partnership with 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 mentioned its support for 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: Under the 'National Child Labour Projects (NCLPs)', special schools have been established for providing formal and vocational training. Supplementary nutrition, stipend, health care, etc., are 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>

	Special initiatives/Progress	<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 crores 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>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2007 AR: According to EFI: Child labour exists in the agricultural sector and the informal economy. It is almost non-existent in the formal sector.
		Workers' organizations	<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. Perhaps 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 were 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	2005 AR: According to the Government: Poverty, unemployment and illiteracy are the main obstacles.	
TECHNICAL COOPERATION	Request	<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 AR: 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 signed in 1992.</p>
EXPERT-ADVISERS' RECOMMENDATIONS	NIL	
GOVERNING BODY RECOMMENDATIONS	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: IRAN, ISLAMIC REPUBLIC OF

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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 Iran Confederation of Employers' Associations (ICEA) and the Iran Confederation of Islamic Labour Councils (ICILC) through communication of government reports and tripartite meetings on reporting issues	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the ICEA	
	Workers' organizations	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).
		Ratification intention	<p>YES since 2001, for C.138.</p> <p>2007 AR: The Government requested ILO guidance for preparing the grounds for possible ratification of C.138. 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>

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>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intends to ratify C.138.</p> <p>2001 AR: 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>
<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Constitution</p>	<p>YES</p> <p>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.</p>	
	<p>Legislation, regulations and/or policy</p>	<ul style="list-style-type: none"> • Policy: <p>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.</p>	
		<ul style="list-style-type: none"> • Legislation: <p>The Labour 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)</p> <p>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 labor. An experts' committee, set up by the National Confederation of Employers, the National Central of Islamic Labor Councils and the Workers' House to propose amendments to the legislation, recommended the ratification of the Minimum Age Convention.</p>	
	<p>Basic legal provisions</p>	<p>(i) The Constitution, article 30; and (ii) the Labour Code, sections 79, 80, 82, 83 and 176.</p>	
	<p>Judicial decisions</p>	<p>NIL</p>	
<p>Exercise of the principle and right</p>	<p>Compulsory education</p>	<p>The age of both boys and girls at the end of this period is 12 years, with a general requirement of 5 years or grades of instruction.</p>	
	<p>Minimum Age</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>	
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>			

		Worst Forms of Child Labour	C. 182 is ratified.
		Special attention to particular situations	2005 AR: According to the Government: Street children, including children in informal economy.
		Information/Data collection and dissemination	2006 AR: According to the Government: A feasibility study on ratification of C.138 is being carried out. 2003 AR: According to the Government: Information on sanctions applied to users of child labour are recorded by the Government. 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.
	Monitoring, enforcement and sanctions mechanisms	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 Labor Code) have been implemented to realize the principle and right (PR). 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.	
	Involvement of the social partners	NIL	
	Promotional activities	2006 AR: According to the Government: The minimum age for admission to employment or work is being strictly observed, together with compulsory education. 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.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Special initiatives	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. 2003-2005 ARs: According to the Government: Free Compulsory Education. 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.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL

	According to the Government	<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>2007 AR: The Government reiterated its request for ILO technical cooperation in the areas of priority mentioned under the 2005 AR. 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	NIL	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: KIRIBATI

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , except for the 2000, 2001 and 2004 Annual Reviews (ARs).
	Involvement of Employers' and Workers' Organizations in the reporting process	YES , according to the Government: Involvement of the Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC) by means of consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' Organizations	2007 AR: Observations by the KCC. 2006 AR: Observations by the KCC. 2003 AR: Observations by the KCC. 2002 AR: Observations by the KCC.
	Workers' Organizations	2007 AR: Observations by the KTUC and its affiliates. 2006 AR: Below are the joint general observations by the following workers' organizations: <ul style="list-style-type: none"> • The Botakin Karikirakean Aroia Taan Murakuri (BKATM); • The Bank of Kiribati Union (BOKU); • The Betio Ports and Stevedoring Union (BPSU); • The Housing Workers' Union (HWU); • The Kiribati Islands Overseas Seafarers' Union (KIOSU); • The Kiribati Nursing Association (KNA); • The Kiribati National Union of Teachers (KNUT); • The Kiribati Overseas Fishermen Union (KOFU); • The NANOTASI Garment Union (NGU); • The Postal Services Union (PSU); and • The Kiribati Trade Union Congress (KTUC). 2005 AR: Observations by the KTUC. 2002 AR: Observations by the KTUC.

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.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Kiribati has ratified neither the Minimum Age Convention, 1973 (No. 138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182). However, Kiribati has ratified in 2002 the United Nations Convention on the Right of the Child (UNCRC).
		Ratification intention	YES, since 2002 for both C.138 and C.182. 2007 AR: The Government expressed its intention to ratify C.138 and C.182 during the Celebration of 50 years of ILO Presence in the Pacific Region held in Suva, Fiji in December 2005. It hoped that these ratifications would take place soon. The KCC expressed its strong support to ratification for C.138 and C.182 by Kiribati. The KTUC appreciated the Government's intention to ratify the remaining ILO fundamental Conventions, and hoped that this ratification would take place very soon. 2006 AR: According to the Government, consultations and cost/benefit analysis on ratification of C.138 and C.182 are in process, in cooperation with the ILO. Kiribati intends to ratify these instruments. Ratification of C.138 and C.182 is supported by the KCC and the KTUC. 2005 AR: The Government stated that ratification of C.138 and C.182 had been discussed with the ILO. This issue would be considered positively in due course. 2002 AR: based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government had the intention to ratify C.138 and C.182.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO , according to the Government.
		Policy, legislation and/or regulations	YES, 2005 AR: Policy: the Employment Ordinance (CAP 30) 1998 (Part X, Sections 84-90).
		Basic legal provisions	(i) The Employment Ordinance (CAP 30), 1998, Part IX, sections 84-90; and (ii) of the Penal Code (CAP 67) (Revised) 1998, section 132.
		Judicial decisions	2006 AR: No judicial decision was made on child labour issues.
	Exercise of the principle and right	Compulsory education	YES, since late 1970s, education is free and compulsory for all children aged from 6 to 14 in primary and junior secondary schools; with a general requirement of 9 years or grades of instruction. The age of children at the end of compulsory schooling (14) matches with the minimum age for admission to employment or work.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum age	<p>2005 AR: YES, the general minimum age for admission to employment or work is 14 years for both boys and girls. The Employment Ordinance (CAP 30) 1998, PART IX, section 84, prohibits the employment of any person under the age of 14.</p> <p>According to the Government: This general minimum age covers the following types of work: Work performed in a family-owned or operated enterprise; work performed in all enterprises; domestic service; self-employed work; commercial agriculture; light work; and work performed in export processing zones. It does not cover homework and work undertaken in family and small-scale agriculture. Members of the family are allowed to participate in family duties.</p> <p>Hazardous work is not defined in national legislation. However, an Occupational Safety and Health Bill has been submitted to the ILO for comments.</p>
		Worst Forms of Child Labour	YES, a recent survey carried out in 2005 by the Government in cooperation with UNICEF registered some cases of child prostitution. This scourge is growing.
		Special attention to particular situations	NIL
		Information/Data collection and dissemination	2006 AR: YES, under the UNCRC Initial Report, 2003. Information and data on the PR have been collected during the preparation of the Initial Report on the Implementation of the UNCRC in March 2003, in cooperation with UNICEF.
	Monitoring, enforcement and sanctions mechanisms	<p>2006 AR: According to the Government: the Kiribati Advisory Committee for Children (KACC) is responsible for the general implementation and monitoring of the Convention on the Rights of the Child, and putting the Convention into law. The Labour and Employment Division of the Ministry of Labour and Human Resource Development is entrusted to enforce laws concerning the PR. In addition, the Ministry of Education is entrusted with ensuring school attendance.</p> <p>In the case of contravention to the minimum age provisions in Section 84 of the Employment Ordinance (CAP 30) 1998, section 90 of the same Ordinance provides for penal sanctions (fine of Aus \$50 (about 44 US\$ as of October 2005). Section 132 of the Penal Code (CAP 67) (Revised) 1998 provides for imprisonment in case of attempt of or abduction of girls under the age of 18 with intent to have sexual intercourse. This penalty also applies to those who procure or attempt to procure those girls.</p>	
	Involvement of the social partners	<p>2006 AR: According to the Government: The KCC and the KTUC are represented in the national tripartite Decent Work Agenda Steering Committee, which considers decent work issues, including the child labour aspect. They are also participating in the labour law reform process and ratification discussions, in cooperation with the ILO. Trade unions participate actively in the discussions and decision-making process of the national tripartite Decent Work Agenda Steering Committee that also considers child labour issues.</p> <p>2005 AR: According to the Government: the KCC and the KTUC participated in the labour law review process to integrate the provisions of C.138 and C.182 into national Bills.</p>	
	Promotional activities	<p>2007 AR: The Government published a booklet on the ILO fundamental Conventions, in cooperation with the ILO. Moreover, Kiribati (the Government, the KCC and the KTUC) participated in the activities concerning the promotion of the ILO Declaration during the Celebration of 50 years of the ILO Presence in the Pacific Region held in Suva in December 2005.</p> <p>The KCC indicated that it was taking part in the labour law revision process that it hoped would integrate the provisions of ILO fundamental Conventions into national laws.</p> <p>2005-2006 ARs: According to the Government: Workshops were organized in 2004 to promote labour changes. Training of Labour Officers in 2005 on the PR, reporting and cost/benefit analysis for ratification of C.138 and C.182, in cooperation with the ILO. A Decent Work Agenda is being implemented in the country since January 2005: This Committee also considers child labour issues.</p>	

	Special initiatives/Progress	2006 AR: According to the Government: Free and compulsory education for all is ensured until the age of 14. Moreover, the new Government set up in January 2005 a national tripartite Decent Work Agenda Steering Committee, in cooperation with the ILO. This Committee considers decent work issues, including the child labour aspect.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the Social Partners	Employers' Organizations	<p>2007 AR: According to the KCC: The Government is now working with KCC, KTUC and NGOs to fight against the “Korekorea” scourge, namely by establishing first of all a legal framework including sanctions. Some child labour cases are noted in the informal economy (child street vendors, etc.), and KCC is strongly opposed to this phenomenon. It requests the Government to take immediate action on this issue, including legal sanctions.</p> <p>2006 AR: According to the KCC: The national legal framework of the PR should be reviewed and upgraded where necessary and “the Korekorea scourge in Kiribati is mainly caused by unemployment”. Prostitution of young girls below the age of 18 with Korean fishermen.</p> <p>2002 AR: Observations of the KCC: (i) the term “general” with regard to the general minimum age for admission to employment is unclear; (ii) child labour is a growing issue particularly in South Tarawa and Betio.</p>
		Workers' Organizations	<p>2007 AR: According to the KTUC: “Korekorea” is still persisting, and the ILO should assist Kiribati in solving this problem.</p> <p>2006 AR: According to the KTUC and its affiliates : Challenges are follows: (i) Child labour in general: There are some borderline cases such as work that could harm the health, safety and morals of children. In particular, this is the case for children selling garlands in nightclubs and bars in Betio or children selling brooms from house to house; (ii) Worst Forms of Child Labour: “Korekorea”: Some young girls below the age of 18 become “Korekorean” by going to night clubs to have a drink with Korean fishermen and end up on board Korean fishing vessels. The Council of Churches is very concerned about this situation, and the police seems powerless in protecting the girls involved and enforcing laws; and (iii) Lack of legislation to eradicate the worst forms of child labour in Kiribati.</p>
	According to the Government	<p>2007 AR: The Government supported the views expressed by KCC and KTUC. It hoped that: (i) ILO technical cooperation would help Kiribati solve the various problems it is facing with respect to the realization of the PR; and (ii) these problems would be addressed in the labour law revision and ratification process, taking into consideration the good political will on the part of the Government.</p> <p>2006 AR: National laws may need to be reviewed with a view to ensuring compliance with the provisions of C.138 and C.182. The Government is currently working with the ILO on labour law reform. Moreover, some cases of child prostitution have been found. According to a recent survey on child commercial and sexual exploitation in Kiribati carried out in 2005 by the Government in cooperation with UNICEF, some 40 prostitutes called “Korekorea” (Those who “go” with Korean fishermen) exist in the country, amongst which 20 are under the age of 18. This phenomenon is growing.</p>	

TECHNICAL COOPERATION	Request	<p>2007 AR: The Government indicated that the ILO should continue maintain its assistance concerning labour law revision in Kiribati. It also expressed its support to the KCC's and KTUC's requests for capacity building. According to the KCC: ILO assistance on labour law revision should continue. Strong ILO support is needed to assist KCC in promoting and realizing the PR. Capacity building assistance to KCC is also needed. According to the KTUC: ILO assistance on labour law revision should continue. ILO's strong support is needed to assist KTUC in promoting and realizing the PR. Capacity building assistance to KTUC is also needed</p> <p>2006 AR: According to the Government: Kiribati would appreciate further ILO technical cooperation for the realization of the PR in the country, namely through the preparation (survey and validation seminar) and launch of a national IPEC Programme focused on labour law review, capacity building of labour administration, employers' and workers' organizations and other stakeholders, income generation activities, public awareness raising on the PR, and fight against the worst forms of child labour, namely the growing phenomenon of child prostitution. According to the KCC: It requests ILO technical cooperation under an IPEC Programme focused on employment creation, awareness raising on child labour issues and fight against Korea and the worst forms of child labour in general. In this respect, the KCC should also be supported in terms of technical and material capacity building and in terms of generating business and employment. According to the workers organizations: The KTUC and its affiliates request that ILO technical cooperation should be provided for labour law reform and enforcement to fight against child labour and its worst forms in Kiribati, and for public awareness raising and capacity building of government institutions, employers' and workers' organizations and other stakeholders on the issue of child labour and its worst forms. They strongly support the Government's request for ILO technical cooperation under an IPEC Programme.</p>
	Offer	<p>2006 AR: YES, mainly ILO (Decent Work Agenda, international labour standards, labour law reform, reporting and technical advice concerning on cost/benefit analysis for ratification of C.138 and C.182) and UNICEF (Initial Report under the UNCRC and various surveys and technical/material assistance).</p>
EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS	NIL.	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL.	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: LIBERIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , except for the 2000, 2002, 2003 and 2004 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 Monrovia Breweries (MB), the Rubber Planters Association of Liberia (RPAL), the Liberian Agriculture Company (LAC), Firestone Liberia (FL), the Confederation of National Trade Unions of Liberia (CONATUL), 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 General Agriculture and Allied Unions (GAAWUL), the Federation of Agriculture 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>2007 AR: Observations by the LAC. Observations by the RPAL. Observations by the CLCC. Observations by the MB. Observations by FL.</p>
	Workers' organizations	<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>

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EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	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).
		Ratification intention	YES since 2005 for C.138. 2007 AR: The Government reiterated that ratification of C. 138 was being processed. The Tripartite Resolution on the Humanization of Liberia Labour Force, adopted in October 2006, recommended ratification of C.138 by Liberia. 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. 2006 AR: According to the Government: C.138 is before the plenary of the Parliament for final approval for ratification. 2005 AR: The Government intended to soon ratify C.138.
	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 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”. <ul style="list-style-type: none"> • Legislation The Labour Law,1974, section 74. 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.
		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”.

		Minimum age	<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>
		Worst Forms of Child Labour	C.182 is ratified.
		Special attention to particular situations	2007 AR: According to the CONATUL and the LFLU: Children working alongside with their parents in rubber plantations, and workers in the informal economy.
		Information/Data collection and dissemination	<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>
	Monitoring, enforcement and sanctions mechanisms		2007 AR : The CONATUL indicated that the need to reactivate the National Commission on Child Labour (NACOMAL) in the near future is paramount.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners		<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. 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>
	Promotional activities		<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. 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. 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>

	Special initiatives/Progress	<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% 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>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	<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>
		Workers’ organizations	<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>
	According to the Government	<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>	

TECHNICAL COOPERATION	Request	<p>2007 AR: 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> <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	NIL	
GOVERNING BODY RECOMMENDATIONS	NIL	

REFERENCIA POR PAIS DENTRO DEL MARCO DEL EXAMEN ANUAL DE LA DECLARACION DE LA OIT (2000-2007)¹: MEXICO

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)).	
OBSERVACIONES DE LOS INTERLOCUTORES SOCIALES	Organizaciones de Empleadores	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 2007: Observaciones de la CTM. EA 2002: Observaciones de la CTM. EA 2000: Observaciones de la CTM.	
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 (Num.138) (C.138).
		Intención de ratificación	Ninguna mención particular.

¹ Referencias por país 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 Gobiernos dentro del Examen anual de la Declaración, observaciones de Organizaciones de Empleadores y Trabajadores, estudios específicos con profundidad preparados sobre la patrocinación del país y de la OIT, y observaciones/recomendaciones de los Expertos Consejeros en la Declaración de la OIT y del Consejo de Administración.

	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	1. Política 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. 2. Legislación 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.

		Política, legislación y/o reglamentación	<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 niños 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: Este Código dispone, en su artículo 202, la prohibición de emplear a menores de 18 años en cantinas, tabernas y centros de vicio. La contravención a esta disposición se castigará con prisión de tres días a un año de multa de 25 a 500 pesos 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> <p>3. Reglamentación</p> <p>Reglamento Federal de Seguridad, Higiene y Medio Ambiente de Trabajo: 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).</p>
		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.
ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO		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.

		<p>Tratamiento especial en determinadas situaciones</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. 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 2007: Según el Gobierno: En seguimiento de las acciones realizadas dentro del programa de Desarrollo Humano Oportunidades, se ha dado una reducción entre un 15% y un 25% de probabilidad de participación laboral en niños y niñas menores de 16 años que participaban en el programa. Asimismo, se estima que ha habido una reducción entre el 30% y 35% en los jóvenes de 16 a 20 años que trabajan al estar cursando la secundaria, retrasando entonces su ingreso al mercado laboral. Igualmente ha reducido en un 18% la deserción escolar en la transición de primaria a secundaria y más de 670 mil jóvenes de las zonas más marginadas del país estudian bachillerato superior con el apoyo del programa, incrementando así sus posibilidades de acceder a un trabajo decente mejor remunerado en la edad adulta.</p> <p>EA 2004: Según el Gobierno: La Secretaría del Trabajo y Previsión Social (STPS) colabora con el Instituto Nacional de Estadística, Geografía e Informática (INEGI) para llevar a cabo encuestas varias acciones destinadas a obtener información y estadísticas por edades sobre el mercado del trabajo. Asimismo, la STPS colabora con el Colegio de la Frontera Norte (COLEF) y con el Consejo Nacional de Población (CONAPO) en la preparación de una encuesta sobre migración en la Frontera Norte de México. Hay también ciertos programas por medio de los indicadores del sistema de seguimiento de la situación de la infancia y de la adolescencia (SISESIA). Este instrumento se utiliza para tomar decisiones pertinentes o, como en el caso de los indicadores SISESIA, para dar un seguimiento a las metas establecidas en el Plan de Acción a favor de la Infancia (PAFI) 2002-2010.</p>
<p>ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO</p>	<p>Mecanismos de supervisión, aplicación y sanción</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 periodos máximos de tres horas. Entre los distintos periodos 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.</p>	

		<p>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.</p> <p>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>Cometido de los interlocutores sociales</p>	<p>EA 2007: Según el Gobierno: Las organizaciones de empleadores y de trabajadores participan en los programas del Gobierno.</p> <p>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>ESFUERZOS Y PROGRESOS DESPLEGADOS PARA REALIZAR EL PRINCIPIO Y DERECHO</p>	<p>Actividades de promoción</p>	<p>EA 2007: Con el fin de fortalecer las acciones exitosas y lograr mejores resultados mediante la reorientación de las que así 10 requieran, 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 año y media 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 10 operan, tanto del ámbito federal como estatal y municipal.</p> <p>Según la COCAMIN y la COPARMEX: 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 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).</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>Iniciativas especiales/Avances</p>	<p>EA 2007: Según el Gobierno: Dentro del Programa para la Prevención, Atención, Desaliento y Erradicación del Trabajo Infantil Urbano Marginal (<i>PROPADETIUM</i>) se logro en el periodo 2004-2005 una cobertura de 99 501 menores trabajadores, de los cuales 144 298 eran considerados en riesgo al ser miembros de familias en situación vulnerable. Entre las políticas de este programa se destaca el fortalecimiento familiar y escolar, de tal forma que brindan apoyos compensatorios a niños, y adolescentes trabajadores urbana marginales de 6 a 17 anos 11 meses, que les permiten concluir la educación básica y una vez concluida esta, capacitarlos para incorporarse al desarrollo productivo del país, se han otorgado becas académicas y capacitación favoreciendo con ello a 6 000 niños, niñas y adolescentes. Mediante estrategias de prevención y desaliento de incorporación al trabajo infantil en 501 municipios de 31 entidades federativas, se logro una cobertura de 59 566 menores en riesgo, miembros de familias vulnerables que fueron alejados de la posibilidad de incurrir en el trabajo infantil. En el marco de la protección de niñas, niños y jóvenes migrantes en la frontera sur del país mediante acciones interinstitucionales, se inauguro en abril de 2005, un albergue de atención a la niñez migrante en la ciudad de Tapachula Chiapas, el cual se une a la red de albergues formados en coordinación con el Instituto Nacional de Migración en Tijuana y Mexicali y en Agua Prieta, Nogales, incrementando con ello su capacidad de atención. El Sistema Nacional para el Desarrollo Integral de la Familia (SINDIF) trabaja conjuntamente con UNICEF, en 35 ciudades del país en los niveles estatal y municipal en el <i>Proyecto de Educación no Formal</i> cuyo objetivo principal es desalentar la incorporación de niños y niñas al trabajo de las calles. Este trabajo se apoya en una gran diversidad de materiales de capacitación diseñados para su funcionamiento. El manual de “Educación no Formal” que promueve este programa, tiene como ejes principales la educación y la familia, y esta orientado a detectar y potenciar las fortalezas de la comunidad y la familia como elementos claves para asegurar la permanencia de niñas, niños y adolescentes en la escuela.</p> <p>Eas 2002-2006: Según el Gobierno: 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 para 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 el bachillerato y apoyos en salud, para evitar con ello que los niños y 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-Marginales, 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 becas. 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>
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	Iniciativas especiales/Avances	<p>Según la CTM: 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: Según el Gobierno: 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>	
PROBLEMAS PARA REALIZAR EL PRINCIPIO Y DERECHO	Según los interlocutores sociales	Organizaciones de Empleadores	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.
		Organizaciones de Trabajadores	<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	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 año 2005, en aquellos adolescentes que trabajan, y una reducción de 27 por ciento para los adolescentes de entre 14 y 17 años que 10 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 periodo de tiempo.	

COOPERACION TECNICA	Solicitud	<p>EA 2007: Según la COCAMIN y la COPARMEX: La CONCAMIN y la COPARMEX quieren más cooperación técnica de la OIT para promover la lucha contra el trabajo infantil en México. Según la CTM: La OIT podría más 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. 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>
	Oferta	Programa de OIT/IPEC/USDOL, UNICEF. Cooperación multilateral OIT/OIT-STPS (Costa Rica, México y Perú).
OBSERVACIONES/ RECOMENDACIONES DE LOS EXPERTOS CONSEJEROS	Ninguna.	
OBSERVACIONES/ RECOMENDACIONES DEL CONSEJO DE ADMINISTRACION	Ninguna.	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: MYANMAR

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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 and the Workers' Welfare Associations concerned.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL		
	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).	
		Ratification intention	YES, in 2002, for C.138 and C.182. 2002 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.	
	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 (i) The Child Law (section 66); (ii) Shops and Establishments Act, 1951; and (iii) Factories Act, 1951. • Regulations The Overseas Employment Rules, 2000. 	
		Basic legal provisions	(i) The Child Law; (ii) Shops and Establishments Act, 1951; (iii) Factory Act (1951); and (iv) the Overseas Employment Rules, 2000.	

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 by the ILO Governing Body.

		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	NIL
		Minimum age	2005 AR: According to the Government: General minimum age for admission to employment or work: 18 years for both boys and girls. Hazardous work: According to the Government: “hazardous” is defined in national legislation. 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.
		Worst Forms Child Labour	NIL
		Information/Data and collection and dissemination	2000 AR: According to the Government: information or statistics, data and trends are still under preparation.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Monitoring, enforcement and sanctions mechanisms	2002 AR: According to the Government: In order to enforce the minimum age for employment, inspection/monitoring mechanisms have been implemented. 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.	
	Involvement of the social partners	NIL	
	Promotional activities	NIL	
	Special initiatives	NIL	
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	Requests	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.	
	Offer	ILO, UNICEF, Save the Child, Myanmar Maternal and Child Welfare Association.	

EXPERT-ADVISERS' RECOMMENDATIONS	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).
GOVERNING BODY RECOMMENDATIONS	NIL

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: NEW ZEALAND

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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) through communication of Government's report.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	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.
	Workers' organizations	2007 AR: Observations by the NZCTU. 2006 AR: Observations by the NZCTU. 2005 AR: Observations by the NZCTU. 2004 AR: Observations by the NZCTU. 2003 AR: Observations by the NZCTU. 2002 AR: Observations by the NZCTU. 2001 AR: Observations by the NZCTU. 2000 AR: Observations by the NZCTU.

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 by the ILO Governing Body.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	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).
		Ratification intention	<p>Under consideration for C.138. The Government is still in the process of assessing whether or not it can ratify C. 138.</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 Convention 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 Business New Zealand: As previously noted, BNZ considers that New Zealand complies with C.138 by having a de facto 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>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. 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>
	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	NIL
		Policy, legislation and/or regulations	<p>Legislation:</p> <p>2006 AR: According to the Government: It passed into law the Employment Relations Amendment Act 2004.</p> <p>2003 AR: According to the Government: New Zealand's national legislation does not establish a general minimum age for admission to employment.</p>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Basic legal provisions	(i) The Education Act 1989; (ii) Holidays Act 1981; (iii) Wages Protection Act 1983; (iv) Equal Pay Act 1972; (v) Health and Safety in Employment Act 1992; (vi) the Explosives Act 1957; (vii) Guardianship Act 1968; (viii) Children, Young Persons and their Families Act 1989; (ix) Summary Offences Act 1981; (x) 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	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. 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.
		Worst Forms of Child Labour	C.182 is ratified.
		Information/Data collection and dissemination	<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. 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> <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). 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>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information/Data collection and dissemination	<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>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>
	Monitoring, enforcement and sanctions mechanisms	<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, 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>	
	Involvement of the social partners	<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>	

	Promotional activities	<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>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<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>
	Special initiatives/ Progress	<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>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. BNZ agrees with the Government that not all forms of child employment are harmful but instead are socially desirable.</p> <p>2006 AR: According to BNZ: The Government is correct in noting that New Zealand does not have a minimum age for employment. The Education Act requires school attendance until the age of 16 years (only if a proper process is followed can any exception be made where it is considered to be in the interests of the particular child to do so). New Zealand does, therefore, have a minimum age for full-time employment with anyone younger than 16 able to work in paid employment only during out of school hours and only if that is their choice. If, as the NZCTU has pointed out in an earlier report, some children work from family necessity, that is not a situation that would be cured by imposing a minimum age below which no young person could work in paid employment.</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>Workers' organizations</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 ill health 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% of the population are categorized as living in "severe hardship", an increase from 5% in the 2000 reporting period. The proportion of children in severe and significant hardship has risen from 18 percent to 26 percent 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. 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.</p> <p>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>
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	According to the Government	<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	NIL
	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>
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS		<p>2005 AR: The ILO Declaration Expert-Advisers 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 (paragraph 13 of the 2005 AR Introduction). 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" (paragraph 234 of the 2005 Annual Review Introduction).</p>
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS		NIL

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SAINT LUCIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

Note: This draft baseline is waiting for Government's approval

REPORTING	Fulfilment of Government's reporting obligations	YES, but NOT for the 2000, 2001, 2004, 2006 and 2007 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	NIL		
	Workers' organizations	NIL		
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)	
		Ratification intention	YES, since 2002: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intended to ratify the Minimum Age Convention, 1973 (No. 138) (C.138).	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO	
		Policy, legislation and/or regulations	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).	
		Basic legal provisions	(i) The Education Act No. 41 of 1999; and (ii) The Employees (Occupational Health and Safety) Act.	
	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.		

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 by the ILO Governing Body.

		Minimum age	<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	NIL
		Information/Data collection and dissemination	<p>2005 AR: According to Government: A national database is being developed to identify children at risk.</p> <p>2002 AR: According to Government: information on the sanctions applied to users of child labour and officially recorded.</p>
	Monitoring, enforcement and sanctions mechanisms	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	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 programme. 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	NIL
		Workers' organizations	NIL
	According to Government	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	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	

EXPERT-ADVISERS' OBSERVATIONS / RECOMMENDATIONS	NIL
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SAMOA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the 2006 Annual Review (AR). Samoa became an ILO member State in 2005.	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the employers' organizations (the Samoa Public Service (PSC); the Samoa Association of Manufacturers and Exporters (SAME); and the Samoa Chamber of Commerce and Industry (CCI)) and workers' organizations (the Samoa Public Service Association (PSA); the Yazaki Employees' Association (YEA); the ANZ Bank Staff Association; and the Polynesian Airlines Staff Association (PASA) by means of consultation and communication of a copy of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2006 AR: Observations by the SAME Observations by the CCI	
	Workers' organizations	2006 AR: Observations by the PSA Observations by the YEA Observations by the PASA	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Samoa has not ratified any Conventions to date, including the Minimum Age Convention, 1973 (No. 138) (C.138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182). However, Samoa ratified in 1994 the United Nations Convention on the Rights of the Child (CRC).
		Ratification intention	Under consideration for both C.138 and C.182. 2006 AR: The Government enjoyed the employers' and workers' organizations' (CCI, SAME, PSC, PSA, YEA and PASA) support for ratification of all ILO fundamental Conventions by Samoa.

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.

	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>2006 AR: According to the Government: There is a national policy/plan aimed at ensuring the effective abolition of child labour in Samoa. The policy is described in the law and implemented through the Education Policy and Planning Development Project. The national project consists of an Education Policies Programme and an Education Strategies Programme 1995-2005 that are implemented by the Government. Moreover, the Government is developing a new national policy on children through an initial assessment survey that is due to come up with recommendations on existing loopholes. It is scheduled to be submitted for Cabinet’s approval by the end of 2005.</p> <ul style="list-style-type: none"> • Legislation <p>A Compulsory Education Act, 1994, has been adopted. An Education Ordinance, 1959, has been adopted. Section 32 of the Employment and Labour Act, 1972, on Employment of Children, clearly states that it shall be unlawful to employ any child under the age of fifteen (15) years in any place of employment except and subject to conditions imposed by the Commissioner of Labour. The Infants Ordinance 1961, makes provision for the Protection of Children from “ill-treatment and neglect”.</p>
		Basic legal provisions	(i) The Employment and Labour Act, 1972 (Section 32); the Compulsory Education Act, 1994; the Education Ordinance, 1959; and the Infants Ordinance, 1961.
		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	YES, the age of boys and girls at the end of the compulsory schooling period is 14 years, with a general minimum requirement of 9 years/grades of instruction. A Compulsory Education Act and an Education Ordinance were adopted in 1994 and 1959, respectively.
		Minimum age	<p>2006-2007 ARs: Section 32 (1), Labour and Employment Act 1972, states the minimum age for any worker to be 15 years. Exception is made in the case of “safe and light work suited to his capacity, and subject to such conditions as may be imposed by the Commissioner (of Labour)”. Section 32(2) states that “no such child shall be employed on dangerous machinery or in any occupation or in any place under working conditions injurious or likely to be injurious to the physical or moral health of such child.”</p> <p>Hazardous work is defined: “Dangerous work” is defined as “a task or activity of any kind which may cause serious injury to any person” (Section 5, Occupational Safety and Health Act 2002, administered in the Ministry of Commerce Industry and Labour).</p>
		Worst Forms of Child Labour	<p>No specific laws or regulations, however:</p> <p>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. Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; prostitution; pornography; illicit activities, in particular production and trafficking of drugs do not exist amongst either boys or girls.</p>
Exercise of the principle and right	Special attention to particular situations	NIL	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Information/Data collection and dissemination	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 2000. The Labour Market Survey of Private Sector Employers was prepared in Samoa by the Department of Labour and the UNDP in 2000. In 2002, the Statistical Digest was prepared by the Samoa Department of Education. Results of surveys are presented separately by sex, age, occupation, type of activity, and number of hours worked. In the last population census, held in 2001, the lowest age of persons for whom questions were asked about economic activity was 15 years.
	Monitoring, enforcement and sanctions mechanisms		2006 AR: According to the Government: Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour. As part of the Pacific Children's Programme funded by the Government of Australia, the Ministry of Women, Community and Social Development (MWCSD) has just completed a small-scale survey on child vendors. The said survey is currently being analysed with the aim to expand it into a national one. Moreover, the MWCSD is preparing a situation analysis survey on the commercial sexual exploitation of children in Samoa (CSEC), which will include child trafficking. Furthermore, a Child Protection Information System (CPIS) has been established since 2004.
	Involvement of the social partners		NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities		2006 AR: According to the Government: The CSEC and the CPIS programmes have been established since 2004.
	Special initiatives/Progress		2006 AR: According to the Government: The realization of surveys and the establishment of a CPIS can be regarded as successful examples in the abolition of child labour.
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	2006 AR: According to the SAME: Although this PR is recognized under national laws, child labour is becoming an issue in urban areas. Tourism and urbanization growth make Samoa an easy target for the worst forms of child labour. With the urbanization, some worst forms of child labour may exist, but we don't know. According to the CCI: The main difficulties encountered in Samoa in realizing the PR are as follows: (i) social values, cultural traditions (consideration should be given to the Samoan culture and its impact on this PR; (ii) lack of public awareness and support; (iii) legislation; and (iv) enforcement mechanisms.
		Workers' organizations	2006 AR: According to the YEA: The main obstacles that have been encountered in Samoa in realizing the PR are as follows: (i) lack of adequate legislation; (ii) lack of law enforcement on child labour. According to the PASA: Child labour generally occurs in family activities.
	According to the Government		2006 AR: According to the Government: The main obstacle that has been encountered in Samoa in realizing the PR is the issue of child labour in the informal economy.

TECHNICAL COOPERATION	Request	<p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Samoa, in particular in the following areas, in order of priority: (1) Data collection and analysis; (2) Awareness-raising, legal literacy and advocacy; and (3) Inter-institutional coordination. These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for Samoa.</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 fundamental principles and rights at work in Samoa.</p> <p>According to the SAME: There is a need for technical cooperation to facilitate the realization of the PR in Samoa because of globalization, growing tourism and urbanization. There is a need to adopt laws that prevent child labour and its worst forms.</p> <p>According to the CCI: The ILO technical cooperation would be necessary to assist in the realization of the principle and right in Samoa in the following areas: (i) greater public awareness on the principle and right as well as on the relevant legislation, including a focus on benefits/positives aspects of the principle and right from workers' and employers' viewpoints; (ii) labour law reform; and (iii) enforcement mechanisms.</p> <p>According to the YEA: The ILO technical cooperation would be necessary to facilitate the realization of this principle and right in Samoa in the following areas: (i) legislative reform to introduce and enforce the PR; (ii) public awareness raising, and (iii) tripartite consultations on the PR.</p> <p>According to the PASA: There is a need for capacity building of workers' organizations on child labour issues.</p> <p>The Government shared the views expressed by PASA, PSA, SAME and YEA. It also supported the CCI's stand on the need to highlight the benefits/positive aspects of each PR from both the workers' and the employers' viewpoints.</p>
	Offer	ILO (including assistance in reporting under the 2006 AR), UNESCO, UNICEF, UNDP, the Government of Australia, the Government of New Zealand, and national NGOs.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	NIL	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SAUDI ARABIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES except for the 2001 and 2003 Annual Reviews (ARs). No change report under the 2004 AR.	
	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 Chairman of the Aramco Workers' Committee (AWC) and the Chairman of the Saudi Telecom Workers' Committee (STWC) through communication of Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the SCCI.	
	Workers' organizations	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. 2007 AR: The AWC and the STWC supported ratification of C.138 by Saudi Arabia. 2005 AR: the Government indicated that it was carefully considering ratification of 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.

¹Country 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

	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.1/738,1 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.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	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. 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 is ratified.
		Special attention to particular situations	NIL
		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	NIL	
	Promotional activities	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	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	NIL
		Workers' organizations	NIL
	According to the Government	2000-2005 ARs: According to the Government: Child labour does not exist in the country.	
TECHNICAL COOPERATION	Request	2007 AR: The Government, the SCCI and the AWC mentioned the need for ILO technical cooperation to promote the Declaration's principles and rights in the country.	
	Offer	ILO	
EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS	<p>2005 AR: The ILO Declaration Expert-Advisers note with interest the continuing efforts made by the countries of the Gulf Cooperation Council (paragraph 148 of the 2005 Annual Review Introduction).</p> <p>2003 AR: The ILO Declaration Expert-Advisers commended Saudi Arabia for its continuing dialogue with the Office (paragraph 4 of the 2003 Annual Review Introduction).</p>		
EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS	<p>2002 AR: The ILO Declaration Expert-Advisers acknowledge the high-level dialogue and agreement on a plan of activities between the Office and the Government (paragraph 82 of the 2002 Annual Review Introduction).</p> <p>2001 AR: The Expert-Advisers hope in particular that the Government of Saudi Arabia will continue a dialogue with the Office regarding the ways in which the principle and right (PR) can be achieved (paragraph 77 of the 2001 Annual Review Introduction).</p>		
GOVERNING BODY RECOMMENDATIONS/ OBSERVATIONS	NIL		



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SIERRA LEONE

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES , since the 2005 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to Government: Involvement of the Sierra Leone Employers' Federation (SLEF) and Sierra Leone Labour Congress (SLLC) through communication of Government's reports and consultations.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: Observations by the SLEF. 2006 AR: Observations by the SLEF. 2005 AR: Observations by the SLEF.	
	Workers' organizations	2007 AR: Observations by the SLLC and its 23 affiliates. 2006 AR: Observations by the SLLC. Observations by the International Confederation of Free Trade Unions (ICFTU). 2005 AR: Observations by the SLLC).	
EFFORTS AND PROGRESS MADE IN REALIZING THE	Ratification	Ratification status	Sierra Leone 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)

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 by the ILO Governing Body.

PRINCIPLE AND RIGHT		Ratification intention	<p>YES, since 2002 for both C.138 and C.182.</p> <p>2007 AR: According to the Government: the House of Parliament has approved ratification of C.138 and C.182. Formal ratification of these instruments will be processed as soon as possible, and the Government would appreciate ILO assistance in this regard. The SLEF and the SLLC also requested ILO assistance to accelerate the formal ratification process of C.138 and C.182 by Sierra Leone.</p> <p>2006 AR: According to the Government: Ratification of C.182 is still in process. Ratification of C.138 has already been submitted to the House of Parliament and the instruments will be communicated to the ILO as soon as possible. According to the SLEF: The SLEF supports ratification of C.138 and C.182 by Sierra Leone. According to the SLLC: The SLLC is promoting ratification of C.138 and, especially C.182, by Sierra Leone.</p> <p>2005 AR: The Government stated that it was in the process of ratifying C.138 and C.182.</p>
	Recognition of the principle and right (prospect(s), means of action, basic provisions)	Constitution	<p>YES</p> <p>Article 9 (2) of the 1991 Constitution provides that: “the Government shall strive to eradicate illiteracy, and to this end shall direct its educational policy towards achieving: free adult literacy programmes; free compulsory basic education at primary and junior secondary school levels; and free senior secondary education as and when practicable.”</p>
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2007 AR: According to the Government: The new policy has been adopted in cooperation with the social partners, the stakeholders, the UNICEF and the ILO. A Bill entitled “The Child Rights Act, 2006” has been adopted and communicated to the ILO. The final Act will be formalized soon.</p> <p>2005 AR: According to the Government: There is a national policy aimed at ensuring the effective abolition of child labour (PR) through the incorporation of the United Nations Convention of the Rights of the Child into national legislation. The national policy on children is to: (i) fight against child labour, (ii) enforce school attendance, (iii) support poor parents for income-generating activities and (iv) work for the withdrawal from work and the reintegration of child combatants into society. This policy should be validated with the social partners and stakeholders and adopted by 2005.</p> <ul style="list-style-type: none"> • Legislation <p>(i) The Child Rights Act, 2006; (ii) The Employers and Employed Act CAP 212; (iii) the Education Act 2004, (iv) the Draft Employment Act, 1996 (section 34); (v) the Factory Act (1974); (vi) The Industrial Relations Act 1971; and (vii) the Laws of Sierra Leone, Volume IV of 1960.</p>
		Basic legal provisions	<p>(i) The Constitution, 1991, article 9 (2); (ii) the Child Rights Act, 2006; (iii) the Employers and Employed Act, CAP 212; (iv) the Education Act 2004, (v) the Draft Employment Act, 1996 (section 34); (vi) the Factory Act (1974); (vii) The Industrial Relations Act 1971; and (viii) the Laws of Sierra Leone, Volume IV of 1960.</p>

		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory Education	YES, under the Child Rights Act, 2006, the age for both boys and girls at the end of free compulsory schooling is 15 years (the Child Rights Bill, 2006, section 125).
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum age	<p>2007 AR: General minimum age for admission to full time employment or work: 15 years for both boys and girls (the Child Rights Act, 2006, section 125). For the avoidance of doubts, the minimum age provisions apply to employment in the formal or informal sectors.</p> <p>Under the Child Rights Act, 2006 (section 125), the age of 15 shall be the age at which the compulsory primary education of a child shall end, and is also the minimum age for the engagement of a child in full time employment.</p> <p>Section 135 of the same Bill provides that the minimum age at which a child may commence an apprenticeship with a craftsperson is 15 years or after completion of basic education, whichever is later. The minimum age for light work is 13 years, and light work is defined as any work that is not likely to be harmful to the health or development of the child and does not affect the child attendance at school or the capacity of the child to benefit from school work (the Child Rights Act, 2006, Section 127).</p> <p>2005 AR: General minimum age for admission to employment or work: 12 years for both boys and girls.</p> <p>However, the Government states that section 34 of the Draft Employment Act 1996 would raise the minimum age of admission to employment or work to 14 years. This general minimum age covers the following types of work: work performed in enterprises below a certain size; home work; 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: minimum age of 18 years for both boys and girls.</p> <p>2007 AR: Under the Child Rights Act, 2006 (section 128), the minimum age for the engagement of a person in hazardous work is 18 years. Hazardous work is defined as a work that poses a danger to the health, safety or morals of a person, and includes: (a) going to sea; (b) mining and quarrying; (c) portorage of heavy loads; (d) manufacturing industries where chemicals are produced or used; (e) work in places where machines are used; and (f) work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.</p> <p>2005-2006 ARs: The Factories Act 1974 defines hazardous work is defined as follows: “No child under the age of 18 years may work or be employed to perform any work that is likely to jeopardize his or her health, safety, or physical, mental, spiritual, moral or social development, or to interfere with his or her education.”</p>
		Worst Forms of Child Labour	<p>2007 AR: A Tripartite identification of the worst forms of child labour has been carried out through the case study and the workshop on the fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO.</p> <p>2005 AR: According to the Government: The following worst forms of child labour exist for both boys and girls: (i) sale and/or trafficking, (ii) debt bondage, (iii) serfdom, (iv) forced or compulsory labour, (v) forced recruitment for armed conflict, (vi) prostitution, (vii) pornography, (viii) illicit activities, in particular production and trafficking of drugs and (ix) working in the fishing industry.</p>

		Special attention to particular situations	2005-2007 ARs: According to the Government: child combatants and children in the informal economy.
		Information/Data collection and dissemination	2007 AR: Some data on child labour in the country have been collected in the case study on the fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO. 2005 AR: According to the Government: sanctions applied to users of child labour are recorded officially.
	Monitoring, enforcement and sanctions mechanisms		2007 AR: The Child Rights Act, 2006 (Part IV, sections 47-69) provides for the establishment of local committees and districts councils that have child welfare functions, including the promotion of child rights awareness and enjoyment and the monitoring of these rights. In case of violation of the minimum age provisions (Part VIII, sections 125-141), the Child Rights Act provides for sanctions ranging from fines (not exceeding Le 10 millions (i.e., about US \$ 3,500 as of December 2006) to imprisonment (not exceeding two years), or both. 2005 AR: According to the Government: The following measures have been implemented in order to realize the PR: (i) legal reform; (ii) penal sanctions; (iii) civil or administrative sanctions; (iv) special institutional machinery. Inspection/monitoring mechanisms are envisaged.
	Involvement of the social partners		2007 AR: According to the Government: The case study and the workshop on the fundamental principles and rights at work in Sierra Leone were carried out in September and October 2006 in cooperation with the employers' and workers' organizations and the ILO. 2005 AR: According to the Government: employers' and workers' organizations were involved in the implementation and development of the national policy on children. According to the SLEF: Employers' and workers' organizations were involved in the implementation and development of national measures to bring about effective abolition of child labour.
	Promotional activities		2007 AR: According to the Government: A case study and a workshop on the fundamental principles and rights at work in Sierra Leone were carried out in September and October 2006 cooperation with the employers' and workers' organizations and the ILO. 2006 AR: According to the Government: A series of activities on child labour has been organized between the Ministry of Social Welfare and the Ministry of Labour in order to improve the child labour situation in the country. 2005 AR: According to the Government: The National Commission for War-Affected Children (NACWAC) addresses the issue of children in the street as a result of the war. The creation of the family support unit in the Sierra Leone police force also addresses child labour and child abuse. The Government indicated that it was also organizing awareness raising/advocacy activities, vocational and skills training for young workers and international cooperation programmes or projects.
	Special initiatives/Progress		2007 AR: According to the Government: A Child Rights Act was adopted in 2006 in cooperation with the UNICEF. 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 fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO. This exercise concluded on recommendations and a joint technical cooperation request for a better realization of the PR in the country. 2005 AR: According to the Government: The domestication of the Convention on the Rights of the Child and of the African Charter on the Rights of the Child can be regarded as successful examples in the abolition of child labour.

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<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 fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO. The SLEF made a significant contribution to this exercise.</p> <p>2006 AR: According to the SLEF: The situation of child labour in the country has not improved because of poverty and the economic situation.</p> <p>2005 AR: According to the SLEF: Lack of involvement of employers' and workers' organizations in the development and implementation of national measures or programmes of action to bring about the effective abolition of child labour.</p>
		Workers' organizations	<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 fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO. The SLLC made a significant contribution to this exercise.</p> <p>2006 AR: According to the ICFTU: The law is not enforced adequately and child labour is widespread, in particular in diamond mining, family businesses and farms, petty vending. Although education is compulsory through primary school, enrolment is low and there is a lack of schools. According to the SLLC: Compulsory schooling should be applied as well as legal sanctions against parents who do not send children to school.</p> <p>2005 AR: Observations of the SLLC: (i) Measures to eliminate the worst forms of child labour are envisaged but are not yet enforced; (ii) inspection and monitoring mechanisms have not been implemented; (iii) lack of survey to assess the magnitude of child labour in the country.</p>
	According to the Government		<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 fundamental principles and rights at work in Sierra Leone, in cooperation with the ILO. The Ministry of Labour, Social Security and Industrial Relations made a significant contribution to this exercise.</p> <p>2006 AR: According to the Government: Many people including children, are homeless, especially in the capital city.</p> <p>2005 AR: According to the Government: The main obstacles encountered with respect to realizing the PR are the following: (i) obsolete laws; (ii) conservative traditional practices; (iii) poverty; ambivalent attitudes; (iv) economic constraints/capacity; (v) lack of financial means and institutional capacity; and (vi) reintegration of ex-child combatants. Moreover, child labour is prevalent in the informal economy.</p>

TECHNICAL COOPERATION	Request	<p>2007 AR: Following a case study and a workshop on the fundamental principles and rights at work in Sierra Leone carried out in September and October 2006 in cooperation with the ILO, the Government, the SLEF and the SLLC adopted a joint set of recommendations for technical cooperation on the PR. They call for a special ILO/IPEC action to help implement this joint recommendation and realize the fundamental principles and rights at work in Sierra Leone, in particular through the adoption of various measures to raise the national standard of living and ensure development in a democratic way.</p> <p>2006 AR: According to the Government: The Labour Inspectorate needs training on child labour issues. The Government again requests ILO assistance to organize a national tripartite workshop on the Declaration and Fundamental Conventions, with a special focus on child labour.</p> <p>According to the SLEF: Technical cooperation is needed to ensure compulsory schooling in the country, employment and income generation activities and improving working conditions and skills in the informal economy. In this respect, the SLEF needs capacity building to improve its services to members and promote the realization of the effective abolition of child labour and other fundamental principles and rights at work in the country.</p> <p>According to the SLLC: Technical cooperation is needed to sensitize workers on the issue of child labour in the country.</p> <p>2005 AR: According to the Government: Urgent needs for ILO technical cooperation to facilitate the realization of the PR in Sierra Leone exist in the following areas, in order of priority: (1) data collection and analysis; (2) capacity building of responsible government institutions (e.g. labour inspection and administration); (3) awareness raising, legal literacy and advocacy; (4) policy advice; (5) legal reforms; (6) strengthening capacity of employers' and workers' organizations; (7) inter-institutional coordination; (8) training of other officials (e.g. police, judiciary, social workers, teachers); (9) special programme for the elimination of the worst forms of child labour; (10) employment creation, skills training and income generation; (11) social protection systems; (12) cross-border cooperation mechanisms; and (13) sharing of experience across countries/regions.</p> <p>According to the SLEF and SLLC, needs for ILO technical cooperation to facilitate the realization of the PR in Sierra Leone exist in the following areas, in order of priority: (1) data collection and analysis; capacity building of responsible government institutions and workers' and employers' organizations; (2) policy advice; (3) awareness-raising, legal literacy and advocacy.</p>
	Offer	ILO, UNICEF, UNDP, UNHCR, European Union, Caritas International, Médecins Sans Frontières, Children Affected by War (CAW), World Vision, Save the Children International, International Red Cross, GOAL, International Rescue Committee, and CARE International.
EXPERT-ADVISERS' RECOMMENDATIONS/OBSERVATIONS	2005 AR: The ILO Declaration Expert-Advisers noted with particular interest the reporting from Sierra Leone in spite of the serious difficulties the country had to face with (paragraph 8 of the 2005 Annual Review Introduction). However, they noted that Sierra Leone had recorded the lowest minimum age (12) permitted by law for the employment of children (paragraph 202 of the 2005 AR Introduction).	
GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SOLOMON ISLANDS

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

Note: This draft baseline is waiting for Government's approval

REPORTING	Fulfilment of Government's reporting obligations	YES, but ONLY ONCE under the 2006 Annual Review (AR).	
	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 (SIWIB); 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	2006 AR: Observations by SCCI, SICA, SIIBA, SIWIB, ASIM and SFA.	
	Workers' organizations	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).
		Ratification intention	YES, for both C.138 and C.182. 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, SIWIB, 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.

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.

	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 <p>2006 AR: According to 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>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	NO
		Minimum age	<p>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.</p> <p>Hazardous work: not defined.</p>
		Worst forms of child labour	<p>No specific laws or regulations, however:</p> <p>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 trafficking of drugs, 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.</p>
Exercise of the principle and right	Special attention to particular situations	NO	

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT		Information/Data collection and dissemination	2006 AR: According to 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 hours worked. However, these general surveys need to be developed in terms of analysis and data collection. In the last population census, held in 1999, the lowest age of persons for whom questions were asked about economic activity was 14 years.
	Monitoring, enforcement and sanctions mechanisms	NO, however:	2006 AR: According to 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.
	Involvement of the social partners	YES	2006 AR: According to Government: A labour law reform is being initiated in association with the social partners.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities		2006 AR: According to 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.
	Special initiatives/Progress		2006 AR: According to Government: (i) the Government intends to ratify C.138 and C.182; and (iii) 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</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2006 AR: According to the employers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>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;</p> <p>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; (iii) lack of public awareness raising; (iv) some cases of child prostitution; and (v) lack of ILO support and technical cooperation programmes;</p> <p>SIWIB: 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;</p> <p>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;</p> <p>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;</p> <p>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>
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		<p>Workers' organizations</p>	<p>2006 AR: According to the workers' organizations, the main difficulties encountered in realizing the PR in Solomon Islands are as follows:</p> <p>SIPEU: (i) 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; (vii) and lack of ratification of C.138 and C.182;</p> <p>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; (iv) lack of public awareness and support on the PR; and (v) 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;</p> <p>SICTU and SINUW: 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 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; (iii) lack of information and data; (i) lack of compulsory education; (ii) poverty; (iii) lack of income generation programmes to alleviate poverty in Solomon Islands; (iv) lack of public awareness and support on the PR; and (v) child prostitution and involvement in drug and crime activities. This phenomenon is growing to large scale.</p>
	<p>According to Government</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>

<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2006 AR: According to 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 fundamental principles and rights at work 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> <p>SFA: (i) public awareness raising on the PR; and (ii) strengthening of social dialogue.</p> <p>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.</p> <p>SIWIB: (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;</p> <p>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;</p> <p>ASIM: (i) ILO technical cooperation to generate employment incentives;</p> <p>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;</p> <p>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.</p> <p>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.</p> <p>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>
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	Offer	ILO (including labour law reform and assistance in reporting under the 2006 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).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	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 Solomon Islands and two other reporting countries there was no compulsory schooling (paragraph 58 of the 2006 Annual Review Introduction).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SOMALIA

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES, since the 2006 Annual Review (AR).No change report under the 2007 AR (national crisis).	
	Involvement of Employers' and Workers' organizations in the reporting process	NO (there are no employers' and workers' organizations in Somalia). According to the Government: A process is being developed in view of establishing in the country new employers' and workers' organizations.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL.	
	Workers' organizations	NIL	
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	Under consideration for C.138 and C.182. 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.

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.

	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 <p>NO, however:</p> <p>2006 AR: The Government intended to adopt a policy on the principle and right (PR).</p> <ul style="list-style-type: none"> Legislation <p>The PR is recognized under Section 90 of the Labour Code, Law no. 65 of 1972.</p>
		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>
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Special attention to particular situations	NO
		Information/Data collection and dissemination	NO

	Monitoring, enforcement and sanctions mechanisms	NO	
	Involvement of the social partners	NO.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	NO.	
	Special initiatives/Progress	NO	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL
	According to the Government	<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>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. 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>2006 AR: The ILO Declaration Expert-Advisers (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).</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).</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 and paragraph 16 of the 2004 Annual Review Introduction).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: SURINAME

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES since the start of the Annual Reviews (AR) in 2000.	
	Involvement of Employers' and Workers organizations in the reporting process	YES according to the Government: Involvement of workers, and employers' organizations by means of consultations and communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL	
	Workers' organizations	NIL	
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	YES, since 2000 for C. 138. 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. 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. 2004 AR: The Government indicated that C.182 had been submitted to the competent authority in June 2003 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 by the ILO Governing Body.

			<p>2002 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).</p> <p>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>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 cycle, 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 in the Labour Act concerning the prohibition of child labour are also being revised.</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 <p>The Labour Act related to the PR.</p> <p>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.</p> <ul style="list-style-type: none"> • Regulations: Sections 17-21 of the Labour Act; the Sea-fishing Decree of 1980 related to the PR.
<p>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</p>	<p>Basic legal provisions</p>	<p>(i) Constitution (articles 35 and 37); (ii) the Labour Act (sections 17-21); and (iii) the Sea-fishing Decree of 1980.</p>
		<p>Judicial decisions</p>	<p>NIL</p>

	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	2005 AR: According to the Government: Debt bondage, serfdom, forced or compulsory labour and forced recruitment for armed conflict do not exist in Suriname. It is not known whether sale and/or trafficking or other worst forms of child labour exist. However, prostitution, pornography, and illicit activities, in particular production and trafficking of drugs, are believed or suspected to exist amongst boys and girls. 2002 AR: According to the Government: Laws or regulations do not exist in Suriname with the aim of eliminating any of the worst forms of child labour. The Government indicates steps are currently being taken to modify existing legislation or to introduce new legislation to address the elimination of any of the worst forms of child labour.
		Special attention to particular situations	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information/Data collection and dissemination	2002 AR: According to the Government: A survey had been undertaken by the Labour Market Department of the Ministry of Labour, which could provide statistical information on the extent and/or nature of child work. The results of the survey are not yet completed. Reports show that an increasing number of street children were offering their services as commercial sex workers in Paramaribo. 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.
	Prevention, monitoring, enforcement and sanctions mechanisms		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.

	Involvement of the social partners	2005 AR: According to the Government: Workers' and employers' organizations will be involved in the development and implementation of these measures/programmes of action.	
	Promotional activities	2002 AR: According to the Government: Suriname participates in the Plan of Action (2001) programme 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.	
	Special initiatives/Progress	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 programme, resulting in the intention to ratify C.182 can be regarded as successful examples in the abolition of child labour.	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL
	According to Government	<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>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 of labour inspectors in recognizing child labour and acting against it.</p>	
	Offer	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 Programme.	
EXPERT-ADVISERS' OBSERVATIONS / RECOMMENDATIONS	NIL		
GOVERNING BODY OBSERVATIONS / RECOMMENDATIONS	NIL		

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007¹): TIMOR-LESTE

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment 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 the União Nacional de Pequenas Empresas (UNAPE) (National Union of Small Enterprises), the Associação Empresários Timor Loro Sa'e (ASSET LORO SA'E) (Employers' Association of Timor Leste), the Serikat Bekerja Sosialist Timorese (SBST) (Socialist Timorese Trade Union); and the Konfederasaun Sindikatu Timor Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of 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 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, Timor-Leste ratified the United Nations Convention on the Right on the Child (CRC).	
		Ratification intention	NIL	
	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 <p>NO, however:</p> <p>2006 AR: The Government intended to adopt a policy on the principle and right (PR) by 2010.</p> <ul style="list-style-type: none"> • Legislation <p>The Labour Code (Regulation No. 2002/5), section 11.2, prohibits employment or work by a child under the age of 15.</p>	
	Basic legal provisions	(i) The Labour Code, 2002 (sections 9 and 11.2).		

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.

		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	NO, but envisaged. 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”.
		Worst forms of child labour	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. 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.
	Exercise of the principle and right	Special attention to particular situations	NO
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT			Information/Data collection and dissemination
	Monitoring, enforcement and sanctions mechanisms	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.	
	Involvement of the social partners	YES 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.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	2007 AR: According to the Government: A workshop for workers’ and employers’ representatives was organized in 2006. 2006 AR: According to the Government: The Labour Relations Board is not functioning. However, the following measures have been implemented to promote and realize the principle and right (PR): (i) legal reform (labour law and other relevant legislation); penal sanctions; (ii) social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; and vocational training for young persons.	
	Special initiatives/Progress	NO	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL
		Workers’ organizations	NIL

	According to the Government	<p>2007 AR: According to the Government: the military crisis 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>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	ILO (including labour law reform and assistance in reporting under the 2006 AR), and UNICEF.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	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).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: TURKMENISTAN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

Note: This draft baseline is waiting for Government's approval

REPORTING	Fulfilment of Government's reporting obligations	YES, but ONLY ONCE under the 2001 Annual Review (AR).		
	Involvement of Employers' and Workers' organizations in the reporting process	NIL		
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 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	NIL	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL	
		Policy, legislation and/or regulations	2001 AR: Legislation: According to Government: An Act of 23 March 2000 confirmed the legislative programme of the President and an Act concerning fundamental safeguards of the rights of the child had been included in the legislative programme of the second <i>Madzhlis</i> . The Government also indicated that work was in progress on a new Labour Code.	
		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	NIL		

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.

		Minimum age	<p>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</p> <p>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.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Worst forms of child labour	NIL	
		Special attention to particular situations	NIL	
		Information/Data collection and dissemination	NIL	
	Monitoring, enforcement and sanctions mechanisms	2001 AR: According to 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 Government: There is a national programme 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	NIL		
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	NIL			
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL			



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: UNITED STATES

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	Yes but no change to report for the 2002 Annual Review (AR).	
	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 of International Business. In addition, in keeping with longstanding practice, as well as U.S. obligations under Convention 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. 2003 AR: Observation by the AFL-CIO. 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 ongoing efforts to ratify C. 138.</p> <p>2007 AR: According to the Government: there are no efforts underway 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: 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

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Policy, legislation and/or regulations	<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 2004 AR: The President’s fiscal year 2004 budget includes a legislative proposal to increase civil penalties for child labor violations that cause the death or serious injury of a young worker -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: 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 labor violations. 2000 AR: 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 labor 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(l)). 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. -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).
		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 Light work is work that is not 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 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.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Information / Data collection and dissemination	<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 labor. -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). -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>

	<p>Monitoring, enforcement and sanctions mechanisms</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> <p>-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> <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 labor.</p> <p>-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). The child labor 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> <p>-The Wage and Hour Division employs a number of enforcement tools to ensure effective implementation of federal child labor laws.</p> <p>-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>
	<p>Involvement of the social partners</p>	<p>2003-2004 ARs: According to the Government: The Wage and Hour Division has held stakeholder meetings where it sought comments from employers, unions and child advocacy groups regarding the NIOSH recommendations.</p> <p>-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.</p> <p>-Child labor 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>

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p>2007 AR: According to the Government: The Department of Labor continues its efforts to abolish illegal child labour and ensure the safety and well-being of young people at work. In Fiscal Year 2005, the Department initiated a five-year summer job safety campaign. In the summer of 2006, the campaign focused on the land care industry and performed education and outreach, achieving wide dissemination of its education materials through the media and contacts with youth-oriented non-profit organizations. Through its ongoing Youth Rules! Public Awareness Campaign, it also directed its efforts to youth working in the construction industry in response to an increase in youth working in the construction industry during the summer. It launched a new electronic seminar, “Youth Working in Construction” on CD-ROM and available on the Youth Rules! Web site (www.youthrules.dol.gov), which focuses on the Secretary’s Hazardous Orders. In addition, there are two region-wide initiatives to educate employers and others regarding the rules for this industry. There are also several local initiatives relating to the roofing industry involving both outreach and enforcement activities.</p> <p>2003 AR: According to the Government: With a view to bringing about the effective abolition of child labour, the following measures had been implemented to enforce minimum age(s) for employment and to eliminate the worst forms of child labour: (i) employment creation/income generation; (ii) social assistance (e.g. stipends, subsidies, vouchers); (iii) child rehabilitation following removal from work; (iv) vocational and skills training for young workers; (v) awareness raising/advocacy; (vi) free compulsory education; and (vii) international cooperation programs/projects.</p> <p>2000 AR: According to the Government: The Wage and Hour Division undertakes “compliance education” which serves to promote voluntary compliance with child labor laws by informing employers, educators, young workers, and their parents about the child labor laws and the Wage and Hour Division also partners with consumers and corporations to raise public awareness of child labor issues and promote child labor compliance practices.</p> <p>-The Department of Labor in particular had developed a broad array of Programs to abolish illegal child labor and to ensure the safety and well-being of young people at work (e.g. the Department’s Low-Wage Initiative, the Safe Work/Safe Kids Initiative).</p>	
	Special initiatives/Progress	NIL	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers’ organizations	NIL
		Workers’ organizations	<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>
	According to the Government	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.	
TECHNICAL COOPERATION	Request	NIL	
	Offer	NIL	

<p>EXPERT-ADVISERS’ OBSERVATIONS/ RECOMMENDATIONS/ OBSERVATIONS</p>	<p>2005 AR: The ILO Declaration Expert-Advisers 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 (paragraph 13 of the 2005 Annual Review Introduction). 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” (paragraph 234 of the 2005 Annual Review Introduction).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS/ OBSERVATIONS</p>	<p>NIL</p>

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: UZBEKISTAN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES, except for the 2000, 2002 and 2003 Annual Reviews (ARs).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES according to the Government: Involvement of the Chamber of Commodity Producers' and Businessmen of Uzbekistan and Council Federation of Trade Unions of Uzbekistan (CFTU) through communication of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL	
	Workers' organizations	AR 2006: Observations by the CFTU.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Uzbekistan 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	YES, in 2002 for both C.138 and C.182. 2007 AR: on 28 June 2006, the Ministry of Labour and Social Protection of the Republic of Uzbekistan submitted a written proposal to the Ministry of Foreign Affairs for the ratification of three fundamental Conventions including the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour. According to section 15 of the Act concerning international agreements, the Ministry of Foreign Affairs, in the light of consultations with the relevant agencies, must put forward proposals on the ratification of Conventions to the Cabinet of Ministers.

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>2006 AR: The Ministry of Labour and Social Security with the support of the Council of the Federation of Trade Unions of Uzbekistan (CFTUU) presented a proposal to the Oliy Majlis in May 2005 on the need to ratify C. 182 and C.138. The Oliy Majlis will examine the question of ratification of the above-mentioned ILO Conventions in accordance with the work plan for the period 2005 to 2009. A bill on ratification will be introduced in the Committee for International Affairs and Inter-parliamentary Relations of the Oliy Majlis of the Republic of Uzbekistan.</p> <p>2002 AR: Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government intends to ratify C.138 and C.182.</p>
Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES the Government states that article 45 of the Constitution provides that “the State shall protect the rights of minors, the disabled and the single elderly”.
	Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: According to the Government: There is a national policy/plan aimed at ensuring the effective abolition of child labour (PR) and this phenomenon is totally prohibited by law. • Legislation: (i) The Family Code, section 73; (ii) the Labour Code, sections 77, 117, 137, 138 and 241; (iii) the Education Law No. 464, 1997; (iv) the Criminal Code, section 135; • Regulations: Decrees Nos. 1 and 7 of 30 May 2001.
	Basic legal provisions	(i) The Constitution, article 45; (ii) the Family Code, section 73; (iii) the Labour Code, sections 77, 117, 137, 138 and 241; (iv) the Education Law No. 464, 1997; (v) the Criminal Code, section 135; and (vi) Decrees Nos. 1 and 7 of 30 May 2001.
	Judicial decisions	NIL
Exercise of the principle and right	Compulsory Education	YES, the age of compulsory education for both boys and girls at the end of this period is 16 years, with a general requirement of 9 years or grades of instruction.

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum age	<p>2004 AR: General minimum age for admission to employment or work: 16 years for both boys and girls (section 77 of the Labour Code). However, the Government states that the prior written consent of one parent (or his/her guardian) allows a person who has reached 15 to be employed. The general minimum age covers the following types of work: work performed in a family-owned/operated enterprise; work performed in enterprises employing two persons; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and export processing zones work.</p> <p>Light work: minimum age of 14 years for both boys and girls. This type of work is defined as “work performed outside of school hours, that does not harm their health or development nor disturb the process of education”. The prior written consent of a parent or a guardian is necessary for a person under 14 years old to be employed.</p> <p>Hazardous work: 18 years old for both boys and girls (section 181 of the Labour Code). Hazardous work is defined in the legislation as: “work in unfavorable conditions, underground activities and any activity which is a risk to their health, safety or morals” (section 241 of the Labour Code). Decrees Nos. 1 and 7 of 30 May 2001 listed the occupations in which persons under the age of 18 may not be employed.</p>
		Worst Forms of Child Labour	<p>2005 AR: According to the Government: Debt bondage, serfdom, forced or compulsory labour, sale and/or trafficking and forced recruitment for armed conflict, prostitution, pornography, illicit activities, in particular production and trafficking of drugs (boys) do not exist.</p> <p>2004 AR: According to the Government: Debt bondage, serfdom, forced or compulsory labour do not exist in Uzbekistan, and it is not known whether sale and/or trafficking and forced recruitment for armed conflict exist. However, prostitution (girls), pornography (boys) and illicit activities, in particular production and trafficking of drugs (boys) are believed or suspected to exist.</p>
		Special attention to particular situations	NIL
		Information/Data collection and dissemination	NIL
		Monitoring, enforcement and sanctions mechanisms	2005 AR: According to the Government: Section 135 of the Criminal Code deals with recruitment for the purpose of exploitation and provides penalties ranging from fines to imprisonment.
		Involvement of the social partners	NIL

	<p>Promotional activities</p>	<p>2007 AR: The Government reported general collaboration with the ILO on child labour in the following areas:</p> <ul style="list-style-type: none"> - In accordance with the measures reflected in the National Action Plan to implement the recommendations of the United Nations Committee on the Rights of the Child, and the Programme of Cooperation between the Republic of Uzbekistan and the ILO for 2004-05, the ILO presented the ILO-IPEC Project “Increasing the potential of the Republics of Central Asia: Regional programme for the elimination of the worst forms of child labour”. - In June 2005, a seminar was held in Tashkent on the Project in question; - At present, within the project in question, work has begun on a review of current Uzbek labour legislation of relevance to child labour. - A review has been carried out and submitted to the partners on the subject of the compatibility of current legislation with C. 138 and C. 182. In accordance with the recommendations contained in the report, a new employment bill has been drawn up with special sections on child labour and social employment safeguards for young people; <p>In January 2006, a tripartite consultative seminar on social dialogue and C.138 and C.182 for the social partners was held, with the participation of other interested public and international organizations (ILO-IPEC, UNICEF);</p> <ul style="list-style-type: none"> - In February 2006, a country consultative inter-agency working group was set up under the auspices of the Social Affairs Office of the Cabinet of Ministers; and - In March 2006, an extended session of an inter-ministerial consultative group took place, in cooperation with the ILO/IPEC. As a result of the consultation process, proposals were formulated and submitted to the Ministry’s Social Affairs Office for inclusion in the National Programme for improving children’s welfare. <p>2006 AR: According to the Government: Consultations were held in June 2004 with governmental and non-governmental organizations on the issue of child labour, in cooperation with the ILO. A seminar took place and a planning document was prepared. In June 2005, in Tashkent, a seminar was held under this project with the participation ILO/IPEC, as well as representatives of UNICEF, the Ministry of Labour and Social Protection of the Population and the social partners in Uzbekistan. Furthermore, work is now in progress, in the framework of this project, on an analysis of current legislation on child labour in Uzbekistan. Additionally, through the efforts of the “Mehr Tayanchi” children’s centre, an ILO project was implemented on providing social services and vocational and professional training for vulnerable children and street children, representing groups at risk of the worst forms of child labour. The ILO-IPEC also carried out a sub-regional programme: “Increasing the potential of the Republics of Central Asia”, which includes a component on the elimination of the worst forms of child labour” in Uzbekistan.</p> <p>2005 AR: According to the Government: The Government gathered statistical information on the nature and prevalence of child labour in Uzbekistan in cooperation with ILO-IPEC and UNICEF.</p>
	<p>Special initiatives/Progress</p>	<p>2006 AR: According to the Government: The measures set out in the National Action Plan to implement the recommendations of the United Nations Committee on the Rights of the Child and the ILO-IPEC Project for the elimination of the worst forms of child labour in the Republic of Uzbekistan can be regarded as successful examples to realize the PR.</p> <p>2005 AR: According to the Government: A successful example in the abolition of child labour is the enactment of the “National Training Programme for Executives” on 29 August 1997, and of the Act “on education”, both of which provide for a nine-year school education.</p>

CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Workers' organizations	NIL
	According to the Government	NIL	
TECHNICAL COOPERATION	Request	2004 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR, particularly in the following priority areas: (i) data collection and analysis; (ii) social protection systems; (iii) awareness raising, (iv) legal literacy and advocacy; (v) sharing of experience across countries/regions; (vi) Cross-border cooperation mechanisms.	
	Offer	ILO-IPEC; UNICEF.	
EXPERT-ADVISERS' RECOMMENDATIONS	2005 AR: The ILO Declaration Expert-Advisers observed that Uzbekistan had recorded the highest age for compulsory education (18-19) with a minimum requirement of 12 years grade/education (paragraph 205 of the 2005 Annual Review Introduction).		
GOVERNING BODY RECOMMENDATIONS	NIL		

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2007)¹: VANUATU

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfilment of Government's reporting obligations	YES, under 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. AR. 2007: The updated report had been communicated to VCCI and VNWU.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2006 AR: Observations by the VCCI.	
	Workers' organizations	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 the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182), but not the Minimum Age Convention, 1973 (No. 138) (C.138). Vanuatu ratified in 1992 the United Nations Convention on the Right on the Child (CRC).
		Ratification intention	YES, in process for C.138. 2007 AR: According to the Government: Vanuatu has already ratified C.182. 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. 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.

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.

	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 <p>NO, however:</p> <p>2006 AR: The Government intended to adopt a policy on the principle and right (PR)</p> <ul style="list-style-type: none"> Legislation <p>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.</p>
		Basic legal provisions:	The Employment Act (CAP160), 1983 (sections 39-44).
	Judicial decisions	NIL	
	Exercise of the principle and right	Compulsory education	NO
		Minimum age	NO
Worst Forms of Child Labour		<p>Hazardous work: not defined.</p> <p>No specific laws or regulations, however:</p> <p>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. Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; do not exist amongst boys and nor girls.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	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>2006 AR: According to the Government: Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour. As part of the Pacific Children's Programme funded by the Government of Australia, Vanuatu has carried out several surveys on children, including child labour and its worst forms. 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>2007 AR: According to the VNWU: It is only when reacting to issues raised by unions that the Government dialogues 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 Government: employers' and workers' organizations have been involved in the Labour Advisory Board on an equal basis.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<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>	
	Special initiatives/Progress	NO	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	<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>
		Workers' organizations	<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 programme 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>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>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. 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). These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for Vanuatu. 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 programme.</p>
	Offer	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.
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	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).	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	



GENERAL OBSERVATION BY THE INTERNATIONAL ORGANIZATION OF EMPLOYERS (IOE) UNDER THE 2007 ANNUAL REVIEW¹

The International Organisation of Employers (“IOE”) continues to support the process of the Annual Follow-up concerning Non-Ratified Fundamental Conventions (“the Annual Review”) under the Declaration on Fundamental Principles and Rights at Work (the “Declaration”).

1. The IOE’s efforts to support the Declaration

The IOE takes this opportunity to reaffirm its strong commitment to the Declaration. The Declaration was created out of the employers’ initiative and the IOE remains firmly committed to ensuring its success. We have been involved in promoting and supporting the Declaration and the following are some examples of the ways in which our commitment was translated into action.

1. The IOE and the Organisation of American States (OAS) in the Summit of the Americas:

The IOE coordinates the involvement of its American members through the Business Technical Advisory Committee on Labour Affairs (CEATAL), one of the advisory bodies of the Inter-American Conference of Ministers of Labour (IACML).

In 2005, the XIV IACML adopted a Ministerial Declaration and a Plan of Action for the next biennium. The Declaration of Mexico recognizes that “the promotion and strengthening of democracy requires the full and effective exercise of workers’ rights and application of core labour standards, as recognized in the Declaration on Fundamental Principles and Rights at Work” (paragraph 3). In paragraph 4, it reaffirms the commitment to respect, promote and realize the principles of the ILO Declaration, as the basis for sustainable economic growth with social justice. For example, paragraphs 24, 25 and 26 recognize the fundamental importance of the principle of equality and non-discrimination in employment and encourages the coordination of policies that combat all forms of discrimination and seek for equality of opportunities at work. The effective abolition of child labour is specifically addressed on paragraph 27, reconfirming the commitment to protect children and adolescents from economic exploitation.

The plan of Action of Mexico is based on the Declaration of Mexico and one of its strategic objectives is to “promote the respect and provide for the effective application of the core international labour standards contained in the Declaration on the Fundamental Principles and Rights at Work of the International Labour Organization and its Follow-up of 1998.”

During the XIV IACML, workers (COSATE) and employers (CEATAL) once again issued a joint Declaration, addressed to their governments, highlighting the importance of involving the social partners in the process of addressing social and labour challenges deriving from the Summit Process. It reaffirms the importance of promoting the ILO Declaration of Fundamental Principles and Rights at Work (1998) and its Follow-up, as the framework of the social dimension of regional integration.

¹Country 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. IOE position paper on the Declaration on Fundamental Principles and Rights at Work

The ILO Declaration on Fundamental Principles and Rights at Work has taken on a new importance for enterprises in recent years and has become a reference in the context of different debates, specifically on Corporate Social Responsibility (CSR) and international framework agreements. The IOE, aware of this importance, released the IOE Position Paper on the ILO Declaration on Fundamental Principles and Rights at Work at the beginning of this year [2006].

The document provides general background information about the Declaration and its Follow-up, addresses the views of employers on the important aspect of the Declaration and addresses how employers' organizations can play a role in ensuring that the profile and credibility of the Declaration remain high.

3. The Global Report and ILC Discussions:

The Global Report and its ILC discussions continue to be viewed by the IOE as effective promotional tools for the Declaration. These discussions represent an excellent opportunity for employers' organizations to become actively engaged in the Declaration since the issues that are addressed in the Report directly affect many of them.

The IOE, as the employers' group secretariat at the ILC, coordinated the participation of employer delegates in this year's debate [2006], worked closely with the employers' spokesperson and the speakers in order to present the views, positions and concerns of employers.

4. Corporate Social Responsibility (CSR):

The prominence and importance of CSR continue to increase, as did the significance of the Declaration as a useful reference point in the debate.

The IOE, through its CSR Working Group, continues to provide guidance to its members about how to apply and support the Declaration in this context.

At its annual European members' meeting, an update was provided to participants about recent trends on the different options available for engagement. Documents were provided by the IOE Secretariat, which are available on the IOE website.

The IOE coordinates the participation of its members in the International Standardization Organization (ISO) Working Group on Social Responsibility. We have been advised that the fourth Working Group meeting will be held in Sydney, Australia next year [2007]. Information about this meeting has been sent to all IOE members and the IOE will be also represented at the meeting.

5. The Global Compact:

The Global Compact's labour principles are drawn from the ILO Declaration. The IOE continues to be actively involved in the promotion of the Global Compact. In addition, we continue to be involved in country launches and regional initiatives.

Last summer [2005], the United Nations Global Compact Board convened its inaugural meeting in New York. The IOE was present at the Board through its Secretary-General.

The IOE has been asked to be part of the SME international expert team to draft a "UN Global Compact Operational Guide for SMEs" to assist in understanding the 10 principles and their relation to their daily operations. The team will meet later in the year [2006] to begin its work.

II. IOE initiatives in relation to the Four Fundamental Principles

In addition to our involvement in the promotion of the Declaration, we actively promote and support each of the four fundamental principles. Below you will find some of our promotional efforts through the year [2006].

- *Freedom of Association and the effective recognition of the right to collective bargaining*

Our main means of engagement in relation to freedom of association remains the Committee on Freedom of the Association (“CFA”). The IOE continues to work closely with the employer members of the CFA to ensure that the work of the Committee remains relevant to employers.

The IOE was actively involved in the ILO publication on the CFA for employers, which was released last year. The publication is intended to provide employers with useful information about how the CFA can serve their interests. As part of the follow-up activities, in which the IOE has been actively involved, a sub-regional workshop took place in Panama at the beginning of 2006. On the same lines, in collaboration with the ILO International Training Centre (Turin), the ILO Standards department and the IOE, the Federation of Employers of Ukraine hosted a workshop with a special focus on freedom of association.

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

The IOE actively coordinates the participation of employers in activities concerning the elimination of all forms of forced or compulsory labour. The final meeting within the ILO/AGIS project “Combating the forced labour outcomes of human trafficking” was held in Lisbon last June [2006]. The IOE coordinated the participation of an employer representative who has participated in different activities on the subject.

- *The effective abolition of child labour*

This year’s [2006] Global Report addressed the abolition of child labour: “The end of child labour: Within reach”. In the debate, the employers’ group highlighted its satisfaction with the worldwide decline of child labour, especially in the region of South America and the Caribbean. The employers’ group, however, expressed its serious concerns about the fact that the positive lessons learned in regions that had experienced a decline were not reflected in the Report as good practices and helpful examples to other regions and countries.

Recognizing that there are currently no practical guides specifically drafted for employers to address child labour within their workplaces or their supply chain, the IOE and ACT/EMP, are working on a Kit for employers. Work on this kit is gathering pace and it is expected to be available in the coming months.

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

The IOE is actively involved both directly and indirectly in addressing various forms of discrimination. The following are key examples of our involvement:

Understanding the challenges faced by migrant workers, the IOE played an active role in the drafting of the ILO Multilateral Framework on Labour Migration.

The IOE has prepared a guidance note on Labour Migration as a reference for its members. The IOE also actively participated in the UN Preparatory Meeting for the High Level Dialogue on International Labour Migration held in Turin.

The XVII annual meeting of Iberoamerican Presidents of Business Organizations will take place in November [2006] in Uruguay. One of the main topics of discussion will be the migration trend. In preparation to this debate, the IOE prepared a questionnaire on the subject and sent it out to all its member federations of Latin America, Spain and Portugal. The results of this questionnaire will be used as the basis for the employers' position. The main objective of the meeting is to reflect on and adopt a common statement to be submitted to the Heads of State Summit meeting that will also take place in Uruguay.

The IOE continues to be actively involved in addressing the issue of HIV/AIDS, which is a critical issue with potentially grave consequences for the world of work. It is important to tackle it in regions that are currently severely affected, but HIV/AIDS must also be addressed in regions where it has not yet reached dramatic proportions but has the potential to do so. In that spirit, the IOE was invited to the Sixteenth International AIDS Conference in Toronto to share the initiatives on HIV/AIDS in a number of panels.

Youth Employment continues to be a key feature of the work of the IOE. The IOE note on Youth Employment released last year [2005] remains a useful document on the subject. The IOE has participated in numerous meetings aimed at increasing job opportunities for young people. The subject of youth employment will be another important topic of debate during the XVII Meeting of Iberoamerican Presidents of Business Organizations, co-hosted by the IOE.

The IOE recognizes the importance of promoting women entrepreneurship in both developed and developing countries. In its publication "Approaches and Policies to Foster Entrepreneurship: A guide for Employers' Organizations", the IOE specifically addresses women's business groups, stating the barriers that limit the potential of women entrepreneurs to develop and expand their business and how the employers' organizations can provide better organization, increased representation, as well as support services.

During the second Business Membership Organization (BMO) Conference, hosted by Business Unity South Africa, the IOE participated actively in the debates. The Conference identified seven priority areas and women entrepreneurship was one of them.

During the UN Economic and Social Council (ECOSOC), the IOE was represented in different panels, one of them being "Innovative Strategy for Developing Women Entrepreneurship and Gender Equality in Nepal". This intervention has been posted on the IOE website for easy access and promotion within our member federations.

The IOE participated in a conference entitled "Combating Discrimination and Promoting Equality for Decent Work" organised by the ILO, the Global Compact Office and the London Development Agency. The IOE's discrimination expert presented the employers' views on the role of the social partners in addressing discrimination.

III. Areas of concern

Our support for the Declaration, its Follow-up and the four fundamental principles remain clear through our activities. However, as we have done in previous years, we take this opportunity to highlight particular concerns to employers in relation to the Declaration and its Follow-up.

1. National Baselines Analysis

We support the baseline approach since it represents a creative and innovative way to use the information gathered through the Annual Review. However, it is important that this analysis not be allowed to turn into a ranking tool between countries. The baselines should be continued as a useful tool to track the advancement of the efforts of member States over time - not against externally imposed standards - but against their own progress. Consistent with the spirit and intent of the Declaration, each member State must be allowed to give effect to the four fundamental principles in a manner that is nationally appropriate.

It remains to be seen what impact these analyses have. The IOE would like to take this opportunity to commend the Office for its openness to new ways of working.

2. The obligations created under the Declaration

The assessment under the Annual Review should focus on the steps taken by member States to give effect to the fundamental principles. This assessment should not involve a discussion of law and practice. The employers repeatedly raise the fact that the Declaration and its Follow-up is a political track, not a legal track like the ILO's regular

supervisory machinery. The political obligations required to promote, achieve and realize the principles under the Declaration must remain distinct from the specific legal obligations undertaken through the ratification of a Convention.

3. Capacity building of employers' organizations and technical cooperation

The Declaration can only be effectively promoted within strong constituents. Attention must be paid to using the Declaration follow-up to build the capacity of employers' organizations to help improve the voice of business and strengthen the spirit of tripartism and social dialogue.

Resources should be set aside for the development of technical cooperation programmes that specifically target employers' organisations. Donors should also be encouraged to devote a portion of their funding towards the capacity building of the social partners.

4. Employers and Freedom of Association

Much progress in the promotion of this principle remains to be made, which relates to employers. Some employers' organizations still do not fully enjoy freedom of association. Though we are grateful to the Office for its support in ensuring that employers are aware of the ILO supervisory mechanisms, we look forward to continued efforts to ensure that the ILO remains a place to protect the rights of both workers' and employers' organisations.

In particular, we would highlight once again the fact that in a number of transition economies, the fees paid by enterprises to employers' organisations are frequently not tax exempted as are the fees paid by workers to trade unions. This undermines the development of employers' organisations and their ability to effectively represent their members. This issue has been repeatedly raised in many forums.

5. Looking ahead

With every passing year since the adoption of the ILO Declaration in 1998, we continue to learn more about what aspects of its follow-ups are useful and effective in achieving their aims and which aspects demonstrate room for improvement.

The upcoming 10th anniversary of the ILO Declaration in 2008 may present a useful opportunity to address the follow-ups with a view to finding ways to strengthen them. Using what has been learned over the past 10 years may help us to refine the follow-ups to ensure that they remain relevant. For its part, the employers' group would greatly welcome an opportunity to engage in such a discussion.

The Declaration remains an outstanding example of how the ILO should and can react to pressing social issues through its unique process of consensus building. We appreciate this opportunity to provide feedback and remain available to answer any questions arising from this document.