

In 2011, Papua New Guinea made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government introduced free and universal education and took initial steps to build institutional capacity by initiating a labor law review and completing a quantitative study on child labor. Despite these efforts, Papua New Guinea does not have a comprehensive list of hazardous occupations from which children are prohibited and the lack of compulsory education may increase the risk of children's involvement in the worst forms of child labor. In addition, the Government's only social protection program, TACKLE, was put on hold in 2010 and only recently resumed activities. Children in Papua New Guinea continue to engage in the worst forms of child labor, particularly in domestic service and commercial sexual exploitation.

### Statistics on Working Children and Education

| Children                  | Age       | Percent     |
|---------------------------|-----------|-------------|
| Working                   | 5-14 yrs. | Unavailable |
| Attending School          | 5-14 yrs. | Unavailable |
| Combining Work and School | 7-14 yrs. | Unavailable |
| Primary Completion Rate   |           | Unavailable |

#### Sources:

**Primary completion rate:** UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are engaged in the worst forms of child labor, many of them in domestic service and some in commercial sexual exploitation.(3-6) Some of these children are held in indentured servitude in order to pay off family debts.(3, 6, 7) Children employed as domestics may work long hours and are isolated in private homes where they are susceptible to physical and sexual abuse.(8)

The commercial sexual exploitation of children in Papua New Guinea, including forced prostitution, typically occurs in bars and nightclubs.(9, 10) There are reports that children are also exploited through the production of pornography and are trafficked both internally and from neighboring countries.(4, 9-11) In addition, there is some evidence to suggest that members of the Papua New Guinea police are responsible for committing acts of sexual violence against children.(12)



Children in Papua New Guinea also work in dangerous activities in agriculture.(5, 9, 11, 13, 14) These children may use dangerous tools, carry heavy loads and apply harmful pesticides.(14) Although evidence is limited, there is reason to believe that some of these children are working on tea and coffee farms.(9, 11, 13).

In urban areas, children work as street vendors.(5, 13) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(15)

### Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for work and hazardous work at 16 years.(3, 5, 16) Although the Act states that children may not be engaged in employment in industrial undertakings, in the fishing industry or under circumstances that are injurious or likely to be injurious, there is no comprehensive list of hazardous work from which children are prohibited.(10, 16) Children ages 11 to 18 may work in family businesses by obtaining medical clearance, parental permission and a work permit.(3, 6, 16) A permit would not be issued for work considered harmful to the child's health or to their physical, mental or spiritual development. Children are prohibited from working between the hours of 6 p.m. and 6 a.m. unless they are between ages 16 and 17 and working for a family business.(9)

The Child Welfare Act prohibits street trading by children of any age between the hours of 8 p.m. and 6 a.m.(16)

The Lukautim Pikinini (Child) Act of 2009, a child protection and rights act, specifically addresses the harmful employment of children and prohibits employment that interferes with a child's education.(5, 17-19)

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|   |   |     |
|---|---|-----|
|  | C138, Minimum Age   | ✓   |
|   | C182, Worst Forms of Child Labor  | ✓   |
|  | CRC   | ✓   |
|   | CRC Optional Protocol on Armed Conflict   | No  |
|   | CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | No  |
|  | Palermo Protocol on Trafficking in Persons  | No  |
|  | Minimum Age for Work  | 16  |
|   | Minimum Age for Hazardous Work  | 16  |
|  | Compulsory Education Age  | No  |
|   | Free Public Education   | Yes |

The Constitution prohibits forced labor.(5, 20) The Criminal Code prohibits the use, procurement or offering of a child under 18 years for the production of pornography or for pornographic performances. The Criminal Code also forbids the abduction, kidnapping or procurement of girls younger than age 18 for sexual exploitation.(5, 10) In 2002, the Government amended the Criminal Code through the Sexual Offences and Crimes Against Children Act. The amendments include harsher penalties for the sexual assault and sexual exploitation of all children and specifically covers child prostitution.(21, 22)

Papua New Guinea does not have legislative provisions for offences committed against children for the purpose of labor exploitation; laws that explicitly forbid the sale and trafficking of children; or legal instruments that prohibit the use, procuring or offering of a child for the production and trafficking of drugs.(3, 4, 7, 10) However, the Department of Justice and Attorney General (DJAG), in partnership with the International Organization for Migration, continued to push draft anti-trafficking in persons legislation through parliament as part of a USDOS-funded project, Combating Trafficking in Persons in Papua New Guinea.(23) If the legislation is passed, it will criminalize smuggling and trafficking in persons, provide assistance and protection for victims, and augment penalties for smugglers and traffickers such as increased imprisonment for offenses that involve children under the age of 18 years. During the reporting period the draft anti-trafficking legislation was not passed.(7, 23) Funding for the Combating Trafficking in

Persons in Papua New Guinea Project is scheduled to conclude in September 2012.(23)

There is no compulsory military service in Papua New Guinea. The minimum age for voluntary military service is 18, or 16 with parental approval.(5, 24) Children ages 16 to 18 are permitted to engage in combat activities after the completion of 18 months of training, which does not include combat activities.(19)

In 2011, the Government of Papua New Guinea worked with partners to identify areas in the child labor law that need improvement and revision. The Government is currently identifying participants to conduct a formal review of the labor law.(25)

The Government also introduced free universal education in August 2011. The fee-free education begins at the elementary level and extends through grade 10, including subsidized school fees for grades 11 and 12 and for university and other tertiary colleges.(21) However, education is not compulsory, which makes children especially vulnerable to the worst forms of child labor, as they are not required to be in school and are not allowed to legally work until they are age 16.

## Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Papua New Guinea has established a coordinating mechanism to combat the worst forms of child labor. However, the Department of Labor and Industrial Relations is responsible for implementing and enforcing child labor laws, and the Office of the Director for Child Welfare in the Department of Community Development is responsible for enforcing the Lukautim Pikinini (Child) Act.(10, 19) The Government employs 55 labor inspectors who cover all 19 provinces in the country.(5) They are responsible for enforcing the country's labor laws, including child labor laws.(5, 19) Research did not uncover the number of inspections conducted or the number of violations discovered during the reporting period.

The Police Sexual Offenses Squad is responsible for enforcing laws against child commercial sexual exploitation and the use of children in illicit activities.(5) Data are unavailable on the number of investigations conducted during the reporting period. The ILO Committee of Experts has stated that authorities rarely enforce laws regarding prostitution.(4, 9, 26)

Both the ILO Committee of Experts and senior staff at the Department of Community Development have noted that enforcement is ineffective because of inadequate

resources.(10, 19) The responsible agencies lack personnel, particularly labor inspectors and police officers. Inadequate technical capacity and coordination among enforcement agencies constitute additional obstacles to effective enforcement.(5, 19)

## Government Policies on the Worst Forms of Child Labor

The Government of Papua New Guinea completed a quantitative study on child labor in 2011.(27, 28) The report and corresponding statistics were not made publicly available in 2011; however, results of these data were reportedly used to form the basis for discussing and initiating a draft framework for a National Plan of Action for the Elimination of Child Labor.(27)

A report from 2009 states that the Government was working with NGOs to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.(9, 29) Research could not confirm whether this policy was implemented in 2011.

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Papua New Guinea continued to participate in a regional project funded by the European Commission called Tackling Child Labor through Education (TACKLE). With a 4-year budget of slightly over \$23 million, TACKLE aims to combat child labor in the Pacific region.(30) In Papua New Guinea, the project objective is to improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society towards these goals. The project was put on hold due to staffing issues beginning in November of 2010 and was placed under new supervision by the ILO during the reporting period.(5, 23) It is unclear how this change will impact the project's effectiveness or if the project has fully resumed activities.

Research found no evidence of any other programs to address the worst forms of child labor, especially in the commercial sexual exploitation of children.

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Papua New Guinea:

| Area                         | Suggested Actions  | Year(s) Action Recommended |
|------------------------------|--|----------------------------|
| Laws and Regulations         | Adopt a comprehensive list of hazardous occupations and activities from which children are prohibited.   | 2009, 2010, 2011           |
|                              | Expand the law to prohibit the abduction, kidnapping or procurement of children for the purpose of labor exploitation.   | 2011                       |
|                              | Enact the current proposed anti-trafficking legislation.   | 2011                       |
|                              | Establish a compulsory school age for all children that is equivalent to or greater than the minimum age for work.   | 2009, 2010, 2011           |
| Coordination and Enforcement | Establish a coordinating mechanism to combat the worst forms of child labor.   | 2009, 2010, 2011           |
|                              | Make enforcement data on the worst forms of child labor publicly available.  | 2009, 2010, 2011           |
|                              | Provide inspectors with the authority, training and resources to enforce labor laws and other laws required to protect children from the worst forms of child labor, especially prostitution.                                | 2009, 2010, 2011           |
| Policies                     | Publish report and make data publicly available for the recently completed quantitative study on child labor.  | 2011                       |
|                              | Operationalize policies to eliminate the worst forms of child labor, especially the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011 and the National Action Plan to Eliminate Child Labor. | 2009, 2010, 2011           |

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| Area            | Suggested Actions  | Year(s) Action Recommended |
|-----------------|--|----------------------------|
| Social Programs | Resume implementation of the TACKLE project.   | 2010, 2011                 |
|                 | Institute programs that address the worst forms of child labor, specifically in domestic service and commercial sexual exploitation. | 2010, 2011                 |

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