

In 2014, Papua New Guinea made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government enacted the Criminal Code Amendment Act, which prohibits all forms of human trafficking and establishes penalties for trafficking children. To complement this new legislation, the Department of Justice and the Attorney General (DJAG) worked with the IOM to draft Papua New Guinea's first Trafficking in Persons National Action Plan (TiPNAP). The Government also launched an anti-trafficking training program in Port Moresby and seven border provinces to familiarize police officers and other relevant actors with the contents of the new anti-trafficking law and to facilitate its effective enforcement. However, children in Papua New Guinea are engaged in the worst forms of child labor, including in forced domestic work and commercial sexual exploitation, each sometimes as a result of human trafficking. Papua New Guinea does not have legislation to comprehensively prohibit hazardous occupations and activities for children. Additionally, child labor laws are not effectively enforced and the lack of compulsory education may increase the risk of children's involvement in the worst forms of child labor. The Government lacks social programs to specifically assist children engaged in child labor in all relevant sectors.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Papua New Guinea are engaged in the worst forms of child labor, including in forced domestic work and commercial sexual exploitation sometimes as a result of human trafficking.(1-4) Table 1 provides key indicators on children's work and education in Papua New Guinea. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		78.1

Source for primary completion rate: Data from 2012, UNESCO Institute for Statistics, 2015.(5)
Data were unavailable from Understanding Children's Work Project's analysis, 2015.(6)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Working on tea,* coffee,* cocoa,* copra,* oil palm,* and rubber plantations* (1, 2, 7) Domestic work (1, 2, 4, 8, 9)
Services	Street work, including vending, chopping firewood for sale, moving furniture, loading and unloading boxes from containers, carrying heavy bags of food, scavenging for scrap metal and scrap food for pig feed, and begging (1, 7, 10-12)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, including working in bars, night clubs, and brothels, and used in the production of pornography,* each sometimes as a result of trafficking (1, 2, 4, 7, 8, 11, 13) Forced domestic work (1, 4, 7, 8, 11, 13)

* Evidence of this activity is limited and/or extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

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A number of children in urban areas, such as Mount Hagen, work as porters for market taxis and carry extremely heavy loads. Children living in informal settlements on the outskirts of Port Moresby, who have been orphaned by AIDS or abandoned by their families, are particularly vulnerable to this type of employment.(7, 11, 12, 14)




Some children engaged in domestic work are held in indentured servitude in order to pay off family debts.(1, 4, 8, 11, 13) These children work long hours, lack freedom of mobility, do not have access to medical treatment, and do not attend school.(8)

Limited evidence suggests that members of the Papua New Guinea police are responsible for committing acts of sexual violence against children, and for facilitating trafficking by accepting bribes and ignoring victims forced into commercial sexual exploitation or labor.(1, 3, 11, 15-17) There are reports that the threat of sexual violence against young girls, and the shame and stigma that follows this violence, prevents many girls from attending school.(3, 18, 19) Although free education through grade 10 has been a government policy since 2011, in practice, many schools charge fees for books, uniforms, and other supplies.(3, 20-23) These additional school fees may be a barrier to education for some children.(3, 11)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Papua New Guinea has ratified some key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	
	Palermo Protocol on Trafficking in Persons	

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 103 of the Employment Act (24)
Minimum Age for Hazardous Work	Yes	18	Articles 10 and 96 of the Child Bill (<i>Lukautim Pikinini</i>) (21)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Article 104 of the Employment Act; Articles 10 and 96 of the Child Bill (<i>Lukautim Pikinini</i>) (21)
Prohibition of Forced Labor	Yes		Article 43 of the Constitution of the Independent State of Papua New Guinea (20)
Prohibition of Child Trafficking	Yes		Article 208 of the Criminal Code Amendment Act (9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 229J-229O and 229R-229T of the Criminal Code (Sexual Offenses and Crimes Against Children Act) (25)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	16	Defence Act (26)
Compulsory Education Age	No		
Free Public Education	No		

* No conscription (27)

Although commercial sexual exploitation of children and human trafficking are a concern in Papua New Guinea, the Government has not ratified the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography or the Palermo Protocol.

There is a lack of harmony among existing laws regarding the minimum age for hazardous work in Papua New Guinea, which may result in enforcement challenges. While the Child Bill prohibits and sets penalties for the engagement of a child (defined as a person under age 18) in “harmful child labor,” which includes hazardous work, the Employment Act does not prohibit injurious work by 16- and 17-year-olds.(3, 21, 24) The laws do not define the hazardous occupations and activities prohibited for children in a manner that is comprehensive or specific enough to facilitate the effective implementation of penalties for child labor violations and the removal of children from harmful work. The Department of Labor and Industrial Relations (DLIR) has been developing a hazardous list since late 2012 for inclusion in amendments to the Employment Act and the Occupational Safety and Health Act.(1, 10, 28). Over the past few years, the DLIR has also reviewed a subsidiary set of laws called the Common Rule, which may provide a better legal platform for developing stronger provisions related to the elimination of the worst forms of child labor.(7) However, Parliament did not consider either of these proposals in 2014.(7)

On July 7, 2014, Parliament enacted the Criminal Code Amendment Act of 2013 that contains specific provisions prohibiting domestic and international trafficking of men, women, and children for the purpose of both forced labor and sexual exploitation.(9, 29) The new legislation also contains provisions for victim assistance and protection, and augments penalties for smugglers and traffickers, such as increased terms of imprisonment, for offenses that involve children under the age of 18 years.(4, 30)

Papua New Guinea does not have laws that prohibit the use, procuring, or offering of a child for illicit activities, including for the production and trafficking of drugs.(31)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor and Industrial Relations (DLIR)	Implement and enforce child labor laws.(3)
Department of Religion, Youth, and Community Development (DRYC)	Enforce the Child Bill (<i>Lukautim Pikinini</i>). (3)
Royal Papua New Guinea Constabulary Sexual Offenses Squad	Enforce laws against commercial sexual exploitation of children and the use of children in illicit activities.(3)

Law enforcement agencies in Papua New Guinea took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, research did not find information on the number of labor inspectors in Papua New Guinea, but in the past, the ILO has reported that the Department of Labor and Industrial Relations (DLIR) employs approximately 30 general inspectors, 15 of whom focus on child labor. Research found that this number was inadequate to enforce child labor laws effectively, especially as inspectors are required to perform diverse functions.(3, 7) Some labor inspectors previously received training on child labor inspection techniques from the ILO, but not all inspectors have been trained, and research did not find evidence of more recent instruction.(7)

Research did not find information on the number of child labor inspections carried out in 2014. Labor inspectors have the authority to conduct unannounced inspections at any site where they have reason to believe a person is working for an employer.(24) However, due to limited capacity, the inspectorate carries out inspections only when specifically requested and rarely initiates routine or targeted inspections.(7) In collaboration with the ILO, the DLIR and provincial governments created Child

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Labor Inspection and Referral Forms to identify and track child labor cases in Papua New Guinea. In 2014, the Government began using these forms throughout the provinces on a trial basis.(7)

The labor inspectorate is empowered to assess penalties if inspectors uncover labor violations, but research found that the DLIR did not pursue any child labor complaints during the reporting period and did not issue any citations or penalties for child labor violations.(3) Both the ILO Committee of Experts and senior staff at the Department of Religion, Youth, and Community Development have noted that enforcement is ineffective because of inadequate resources and cultural acceptance of child labor.(14, 16, 28, 31) Inadequate technical capacity and referral mechanisms among agencies constitute additional obstacles to effective enforcement.(3, 4, 16)

Criminal Law Enforcement

In 2014, research did not find information on the number of investigators responsible for enforcing criminal laws related to the worst forms of child labor. Following the enactment of the Criminal Code Amendment Act, the Government of Papua New Guinea and the IOM activated a new anti-trafficking in persons training program for police officers, Papua New Guinea Customs, NGOs, and magistrates. At the close of the reporting period, trainings had been conducted in Port Moresby and in seven border provinces.(9)

In January 2014, the Government opened one investigation into a possible child trafficking case involving two girls in a rural village who were unwillingly given in marriage as recompense to the family of a deceased teacher. However, there have not been any charges filed. No additional prosecutions or convictions for crimes related to the worst forms of child labor were reported in 2014.(3, 16) The Government currently lacks a mechanism to refer children identified in the worst forms of child labor to appropriate social services.(9)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although the Government has established a coordination mechanism to combat human trafficking, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Human Trafficking Committee (NHTC)	Coordinate efforts to combat trafficking in persons. Chaired by the Department of Justice and the Attorney General (DJAG).(9) Includes representatives from the Office of the Prime Minister, the Department for National Planning and Monitoring, the Immigration and Citizenship Service Authority, Customs, the Royal Papua New Guinea Constabulary, the Department of Labor and Industrial Relations (DLIR), the Office of the Public Prosecutor, the National Council of Women, the Consultative Implementation and Monitoring Council, the State Solicitor's office, the Department of Provincial and Local Government Affairs, the Department for Community Development, various NGOs, IOM, UN Refugee Agency (UNHCR), UN High Commissioner for Refugees (UNHCHR), UNICEF, UN Women, and U.S. Embassy Port Moresby.(16)

Coordination mechanisms that were expected to launch in 2012 were still pending during the 2014 reporting period. The Department of Labor and Industrialized Relations (DLIR) Child Labor Desk, designed to track child labor cases and facilitate coordination among relevant agencies, was not yet in place.(3) Additionally, research did not find evidence that the Secretary of DLIR has signed the endorsement necessary to establish the Project Advisory Committee (PAC), a permanent, interagency committee on child labor.(3, 32)

In 2014, the National Human Trafficking Committee (NHTC) convened twice. With new anti-trafficking legislation now in place, the NHTC plans to focus on developing standard operating procedures and a national referral mechanism for trafficking victims.(9)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Papua New Guinea has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Universal Basic Education Plan (2010–2019)*	Seeks to ensure that all children complete 9 years of basic, quality education starting at age 6; to reduce poverty through education; and to build government capacity to manage education.(22) Key objectives include building infrastructure, including more classrooms and staff housing; increasing access to safe drinking water and sanitation facilities at school; providing teacher training; providing over-age children access to basic education; and abolishing all school fees. Aims to provide full Government funding for basic education by 2015.(22, 33)
Tuition Fee-Free Policy*	Aims to improve access to education by abolishing school fees for children in grades 1 through 10 and providing subsidies for those in grades 11 and 12.(7, 34)
Vision 2050*	Sets a long-term strategy for Papua New Guinea's socioeconomic development; pillars of the plan include Human Capital Development, Gender, Youth, and People Empowerment.(35) Prioritizes access to education, knowledge, and improved technology; community empowerment; access to credit; the inclusion of more individuals in the formal economy; and equitable development in rural areas where poverty is most pronounced.(35)
Medium-Term Development Plan (2011–2015)*	Establishes a 5-year plan for national development, in line with Vision 2050, and including budgets, targets, and outputs.(36) Designates which authorities are responsible for implementation, and gives highest priority to education and public utility infrastructure improvements.(36)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

There is no overall policy to combat child labor in Papua New Guinea. The National Action Plan on Child Labor (NAP) has been in draft form since 2012. Sources expected that the Department of Labor and Industrialized Relations (DLIR) would finalize the NAP and submit it for Parliamentary approval in early 2014, but this did not occur.(3) During the reporting period, the Department of Justice and the Attorney General (DJAG) and the IOM drafted the first Trafficking in Persons National Action Plan (TiPNAP) for Papua New Guinea. The National Human Trafficking Committee is currently reviewing the draft, and it is expected to be finalized at their next meeting.(7, 9)

Although Papua New Guinea's Universal Basic Education Plan includes the goal of establishing 3 years of mandatory schooling for children until age 9, the Government has not yet enacted an enforceable policy for compulsory education. The lack of standards in this area may increase the risk of children's involvement in child labor, as children are not required to be in school nor are they allowed to legally work until age 16.(10, 32)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Papua New Guinea participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Decent Work Country Program (2013–2015)	Implemented by the Government, the Trade Union Congress, and the Employers' Federation through technical assistance from the ILO and cooperation with the Government of Australia. Seeks to establish a national employment strategy. Explicitly recognizes the relationship between education and child labor, and prioritizes youth employment services.(37) Concrete measures to be taken include finalizing child labor provisions in the draft Employment Bill, drafting a hazardous work list, and formalizing the Child Labor Unit in the Department of Labor and Industrial Relations (DLIR). Includes a youth employment initiative that provides business training to out-of-school youth, particularly those who are marginalized or disabled.(37)
Global Action Program on Child Labor Issues	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by The Hague Global Child Labor Conference in 2010. Aims to strengthen legal protections and social service delivery for child domestic workers.(38) Project was discontinued in Papua New Guinea in 2014 due to technical challenges in implementation.(39)
Urban Youth Employment Project*‡	Jointly -funded Government and World Bank project that aims to provide training, temporary jobs, skill development through apprenticeships, and 2-month placements on public works projects for youth. Targets 13,500 disadvantaged youth in and around Port Moresby.(40) To date, 1,300 youths have received basic life skills training and 250 youths have received pre-employment training, half of whom were subsequently placed in trainee positions.(40)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Papua New Guinea.

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Although the Government has implemented programs that address child domestic workers and children engaged in street work, research found no evidence that it has carried out programs to assist children involved in commercial sexual exploitation or agriculture.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Papua New Guinea (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Palermo Protocol on Trafficking in Persons.	2014
	Harmonize the Employment Act's minimum age for hazardous work with the Child Bill's minimum age for hazardous work to ensure that Papua New Guinea's legal framework consistently prohibits hazardous work for children under age 18.	2013 – 2014
	Ensure that hazardous occupations and/or activities prohibited for children are specific enough to facilitate enforcement.	2009 – 2014
	Ensure that the law specifically prohibits the use, procuring, and offering of children for illicit activities, including for the production and trafficking of drugs.	2014
Enforcement	Make data on child labor law enforcement efforts publicly available, including the number of labor inspectors; the number of labor inspections carried out; the number of citations, penalties, and convictions issued for child labor law violations; and the number of children removed from exploitative labor.	2014
	Strengthen the inspection system by conducting routine or targeted inspections in addition to those that are complaint driven.	2014
	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.	2009 – 2014
	Establish a referral mechanism between law enforcement officials and social service agencies to ensure that victims of the worst forms of child labor receive appropriate support services.	2014
Coordination	Establish coordinating mechanisms to combat child labor, including in all its worst forms.	2009 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2013 – 2014
	Finalize the draft National Action Plan to Eliminate Child Labor.	2009 – 2014
	Implement the Universal Basic Education Plan to ensure that basic education is compulsory for all children and that the compulsory education age is equivalent to or greater than the legal minimum age for employment.	2009 – 2014
Social Programs	Institute programs that address the issue of sexual violence in schools to ensure that children, especially girls, are able to safely access education.	2014
	Monitor schools to ensure that extra educational fees are not imposed on children for the mandated term of free education, as defined by national policy.	2014
	Assess the impact that the Urban Youth Employment Project may have on child labor in Papua New Guinea.	2013 – 2014
	Institute programs that assist children engaged in the worst forms of child labor in all relevant occupations or activities, especially commercial sexual exploitation.	2010 – 2014

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