

# Papua New Guinea

*The Government's National Plan of Action for Decent Work calls for the elimination of child labor. Children are found working on coffee and tea farms, and as street vendors and indentured domestic servants. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor.*

## Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



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

Children in Papua New Guinea are exploited in the worst forms of child labor.<sup>4014</sup> In rural areas, children work in agriculture, including on tea and coffee farms.<sup>4015</sup> Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

In urban areas, children work as street vendors.<sup>4016</sup> Children working on the streets risk a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals.

A large number of children are engaged in domestic service in Papua New Guinea. Some of these children are held in indentured servitude in order to pay off family debts.<sup>4017</sup> Child domestic labor commonly involves long hours of work and dangerous activities, and may expose children to physical and sexual exploitation by their employer.

Children in Papua New Guinea are also involved in other worst forms of child labor, such as prostitution. These children typically work in bars or nightclubs. Children are also exploited through the production of pornography<sup>4018</sup> and are trafficked internally

for domestic service and commercial sexual exploitation.<sup>4019</sup>

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

The Employment Act sets the minimum working age at 16, and the minimum age for hazardous work is 18.<sup>4020</sup> There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry, or under circumstances that are injurious or likely to be injurious.<sup>4021</sup> Children between ages 16 and 17 may work between 6:00 p.m. and 6:00 a.m. only if the other workers are members of their family. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission, and a work permit.<sup>4022</sup> A permit will not be issued for work if considered harmful to children's health or their physical, mental, or spiritual development is affected.<sup>4023</sup> Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.

The Constitution prohibits forced labor.<sup>4024</sup> The Criminal Code prohibits the indecent treatment of boys younger than 14, indecent treatment and

defilement of girls younger than 16, and the abduction, kidnapping, or procurement of girls below age 18 for sexual exploitation.<sup>4025</sup>

Children below age 18 cannot be charged with prostitution.<sup>4026</sup> Obtaining or procuring a child for commercial sexual exploitation is a criminal offense.<sup>4027</sup>

A new Child Protection and Rights Act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.<sup>4028</sup> The Act makes criminal certain forms of harmful child labor.<sup>4029</sup> The Criminal Code specifically prohibits the trafficking of children for commercial sexual exploitation and slavery.<sup>4030</sup>

There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 18, or 16 with parental approval.<sup>4031</sup>

The lack of free education combined with the absence of compulsory education laws may leave some children without legal protection from the worst forms of child labor.

	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	18
	Compulsory Education Age	None
	Free Public Education	No

## 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.

The Department of Labor and Industrial Relations is responsible for enforcing child labor laws,<sup>4032</sup> while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.<sup>4033</sup>

No information could be obtained on the financial resources available for labor law enforcement, the number of inspectors, the mechanism for filing formal child labor complaints, or whether any child labor inspections are carried out.<sup>4034</sup> Senior staff in the Department of Community Development have noted the lack of technical competence and coordination among enforcement agencies as contributing factors to poor child labor law enforcement.<sup>4035</sup>

## Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.<sup>4036</sup> The Government is also working with NGOs such as the Papua New Guinea Children's Foundation and People Against Child Exploitation to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.<sup>4037</sup>

Furthermore, the lack of official data and other statistical information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

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

Since March 2008, the Government has participated in a 4-year, \$19.5 million, 11-country project by the European Commission and ILO-IPEC to combat child labor. The project aims to withdraw children engaged in child labor, improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society.<sup>4038</sup>

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

### IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children.
- Consider the adequacy of legal protection for young children working in family businesses and all children in domestic service.
- Amend legislation to provide boys age 14 and older and girls age 16 and older with legal protection from indecent treatment.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make available enforcement data on the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.
- Establish clear lines of responsibility for conducting child labor inspections and provide training to inspectors so they can effectively perform their duties.

### IN THE AREA OF POLICIES:

- Consider policies focused specifically on the elimination of the worst forms of child labor in agriculture, domestic service, and commercial sexual exploitation.
- Provide free education to children up to the minimum working age.

### IN THE AREA OF PROGRAMS:

- Consider implementing or expanding social programs that aim to eliminate the worst forms of child labor especially in agriculture, domestic service, and commercial sexual exploitation.

<sup>4014</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

<sup>4015</sup> Department of Community Development official, Interview with USDOL consultant, June 20, 2006. See also Department of Labor and Industrial Relations officials, Interview with USDOL consultant, June 26 2006. See also U.S. Embassy- Port Moresby, *reporting* February 23, 2009. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*, accessed May 12, 2010; available from [http://www.endchildlabor.org/db\\_infoBank.cfm](http://www.endchildlabor.org/db_infoBank.cfm).

<sup>4016</sup> Department of Community Development official, Interview, June 20, 2006. See also U.S. Embassy- Port Moresby, *reporting*, July 14, 2008.

<sup>4017</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para 57. See also U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices 2008* Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also U.S. Department of State, “Papua New Guinea (Tier 3),” in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/#>.

<sup>4018</sup> UN Committee on the Rights of the Child, *Concluding Observations, February 26, 2004*, para 59. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 5 and 6d. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000)*, [online] [cited June 11, 2008]; available from [www.ilo.org/ilolex/](http://www.ilo.org/ilolex/). See also

UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 34, 38.

<sup>4019</sup> U.S. Department of State, “Trafficking in Persons Report- 2008: Papua New Guinea.” See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*, 40. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 5.

<sup>4020</sup> ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182)* Geneva, 2006. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 6d. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008.

<sup>4021</sup> The Law Library of Congress, *Child Labor Papua New Guinea*.

<sup>4022</sup> U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices 2009*, Washington, DC, March 11, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm>. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

<sup>4023</sup> U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

<sup>4024</sup> *Constitution of the Independent State of Papua New Guinea*, (1975). See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 6c.

<sup>4025</sup> ILO Committee of Experts, *Direct Request C182: Papua New Guinea*.

<sup>4026</sup> The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

<sup>4027</sup> U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

<sup>4028</sup> U.S. Embassy official, E-mail communication to USDOL official, 2010.

<sup>4029</sup> *Lukautim Pikinini (Child) Act 2009*, subsections 94-96.

<sup>4030</sup> U.S. Department of State, “Papua New Guinea,” in *Trafficking in Persons Report- 2010, Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

<sup>4031</sup> Coalition to Stop the Use of Child Soldiers, “Papua New Guinea,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

<sup>4032</sup> U.S. Department of State, “Country Reports- 2009: Papua New Guinea.”

<sup>4033</sup> U.S. Embassy official, E-mail communication, April 26, 2010.

<sup>4034</sup> U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

<sup>4035</sup> U.S. Embassy official, E-mail communication, April 26, 2010.

<sup>4036</sup> ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27.

<sup>4037</sup> PNG Children’s Foundation Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006, 5. See also U.S. Department of State, “Trafficking in Persons Report- 2008: Papua New Guinea.” See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

<sup>4038</sup> EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries*, [Press Release] June 10, 2008 [cited January 26, 2009]; available from [http://ec.europa.eu/europeaid/where/acp/documents/ec\\_tackle\\_pressrelease\\_en.pdf](http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf). See also ILO, *Tackling child labour through education--Fiji and Papua New Guinea*, [online] October 21, 2008 [cited November 29, 2010]; available from [http://www.ilo.org/asia/info/lang--en/WCMS\\_099948/index.htm](http://www.ilo.org/asia/info/lang--en/WCMS_099948/index.htm).