



PAPUA NEW GUINEA

MINIMAL ADVANCEMENT

In 2023, Papua New Guinea made minimal advancement in efforts to eliminate the worst forms of child labor. The government increased funding for the Government Tuition Fee Subsidy Policy and pledged to cover all school fees for students, increasing access to education. However, Papua New Guinea's hazardous work prohibitions do not comply with international standards because they allow children ages 16 and older to engage in hazardous work, which is below the international standard of 18 years old. In addition, it does not have laws that sufficiently protect children from commercial sexual exploitation because using, procuring, and offering a child for pornographic performances are not criminally prohibited. Further, prohibitions against child trafficking are not sufficient because the law requires that threats, the use of force, or coercion be established for the crime of child trafficking. Lastly, although exact funding levels are unknown, the labor inspectorate does not have sufficient resources to adequately enforce labor laws.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Papua New Guinea are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in mining and deep-sea fishing.

Overview of Children's Work by Sector and Activity



Agriculture

Working in agriculture, including on palm oil plantations, fishing, and herding.



Industry

Work in manufacturing, mining, and quarrying.



Services

Domestic work and street work, including begging.



Categorical Worst Forms of Child Labor‡

Commercial sexual exploitation, sometimes as a result of human trafficking; use in illicit activities, including selling drugs; forced labor in domestic work, the tourism sector, manual labor, street vending, portering; forced begging, and forced mining.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of International Labor Organization Convention 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Papua New Guinea's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Accede to the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and to the Palermo Protocol on Trafficking in Persons.

Raise the minimum age for light work from age 11 to age 16 and identify the types of activities and the number of hours per week that this work may be undertaken.

Raise the minimum age for hazardous work from age 16 to age 18 and identify hazardous occupations and activities prohibited for children.

Criminally prohibit child trafficking regardless of establishment of threats, the use of force, or coercion.

Criminally prohibit the use, procurement, and offering a child for pornographic performances and for illicit activities, including the production and trafficking of drugs.

Establish a law that criminally prohibits the recruitment of children under age 18 by non-state armed groups.

Raise by law the education age to 16, the minimum age for employment, and establish by law free basic public education.

Suggested Government Actions to Eliminate Child Labor (Cont.)

Enforcement

Publish information on law enforcement efforts, including labor inspectorate funding, the number of labor inspectors, training for labor inspectors, the number of inspections conducted at worksites, and whether routine and unannounced labor inspections were conducted. Also publish the number of child labor violations found and the number of child labor penalties that were imposed and collected.

Establish a referral mechanism for child labor complaints, a data monitoring system to track child labor cases, and a referral mechanism between labor and criminal law enforcement authorities and social services agencies to ensure that victims of child labor receive appropriate support services.

Employ at least 209 labor inspectors to ensure adequate coverage of the labor force of approximately 3.1 million people.

Provide inspectors with the funding necessary to conduct routine and targeted inspections, in addition to those that are complaint driven, in all areas of Papua New Guinea, especially outside of urban areas.

Institutionalize and fully fund training on the worst forms of child labor for labor inspectors and criminal investigators, including training for new labor inspectors at the beginning of their employment.

Publish information on criminal law enforcement efforts undertaken, including the number of child labor investigations initiated, the number of child labor penalties imposed, and the number of criminal law enforcement convictions secured.

Standardize prosecutorial and law enforcement practices and increase funding for prosecutorial and law enforcement bodies, such as the Royal Papua New Guinea Constabulary.

Coordination

Ensure that the National Anti-Human Trafficking Committee is active and meets regularly to implement measures to address human trafficking. Ensure that there is senior governmental leadership and participation at meetings, and per the Committee's mandate, all anti-human trafficking stakeholders, including NGOs, are invited to participate.

Establish a coordinating mechanism to prevent and eliminate all worst forms of child labor.

Government Policies

Ensure that all policies are funded and implemented according to their mandate, including the National Child Protection Policy.

Adopt a policy that addresses all relevant worst forms of child labor, such as use in illicit activities, including selling drugs and forced labor in domestic work.

Social Programs

Institute a national program to increase birth registration and provide identification documentation to children who are undocumented.

Increase funding for school infrastructure improvements, including essentials such as textbooks, electricity, and technology. Ensure that teacher salaries are paid; transportation challenges for students are addressed; programs are instituted to address gender-based violence against girls in schools; and all schools have reliable water supplies.

Implement and fully fund programs and services that assist children engaged in the worst forms of child labor in all relevant sectors, especially commercial sexual exploitation, domestic work, and mining.

Collect and publish data on the extent and nature of child labor to inform policies and programs.

Ensure that Child Care Centers are active, fully funded, and publish their activities undertaken on an annual basis.



CHILDREN AT HIGHER RISK

Undocumented children in Papua New Guinea are at an increased risk for exploitation, including human trafficking and the worst forms of child labor. Only approximately 15 percent of children in the country have their birth registered.



BARRIERS TO EDUCATION ACCESS

Children in Papua New Guinea face multiple barriers to education. Unpaid teachers, a lack of transportation, aging infrastructure, and a lack of reliable water supplies and sanitation facilities have been exacerbated by the government frequently failing in its obligation to provide schools with sufficient funding. Natural disasters, such as flooding, volcanos, earthquakes, and disease outbreaks present acute risks to education access because almost 80 percent of schools lack electricity, limiting remote and online-based learning opportunities. Girls are at an increased risk of being subjected to gender-based violence, which affects school attendance. In total, 25 percent of primary and secondary school-aged children do not attend school.



LEGAL FRAMEWORK FOR CHILD LABOR

Papua New Guinea has not ratified key international conventions concerning child labor, including the UN Convention on the Rights of the Child (UNCRC) Optional Protocol on Armed Conflict; the UNCRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; or the Palermo Protocol on Trafficking in Persons. In addition, Papua New Guinea's laws related to the minimum age for hazardous work do not meet international standards because Article 104 of the Employment Act sets the minimum age for engaging in hazardous labor activities at age 16 rather than age 18.

| Child Labor Laws and Regulations | Meets International Standards | Legislation |
|---|-------------------------------|--|
| Minimum Age for Work, 16 Years | | Article 103 of the Employment Act |
| Minimum Age for Hazardous Work, 16 Years | | Article 104 of the Employment Act |
| Identification of Hazardous Occupations or Activities Prohibited for Children | | |
| Prohibition of Slavery, Debt Bondage, and Forced Labor | | Articles 23 and 43 of the Constitution of the Independent State of Papua New Guinea; Sections 208A – 208G of the Criminal Code |
| Prohibition of Child Trafficking | | Sections 208A – 208G of the Criminal Code |
| Prohibition of Commercial Sexual Exploitation of Children | | Articles 229J–229O, 229R, and 229S of the Criminal Code |
| Prohibition of Using Children in Illicit Activities | | |
| Minimum Age for Voluntary State Military Recruitment, 16 Years | | Section 30 of the Defense Act |
| Prohibition of Compulsory Recruitment of Children by (State) Military | N/A* | |
| Prohibition of Military Recruitment by Non-state Armed Groups | | |
| Compulsory Education Age | | |
| Free Public Education | | |

* Country has no conscription

Legal Framework for Child Labor (Cont.)

Papua New Guinea's existing legal framework governing child labor does not meet international standards in a number of areas. Although Papua New Guinea meets international standards for the minimum age for work, Article 103 of the Papua New Guinea Employment Act permits children ages 11 through 16 to work under certain conditions, including with parental consent and if the child works only with members of the family. Children as young as age 11 are permitted to perform light work, without enumerating what forms of labor may be classified as “light work” and without establishing a limit on the number of hours a child under age 16 may be made to work. Papua New Guinea's existing law on the minimum age for hazardous work under Article 104 of Papua New Guinea’s Employment Act sets the minimum age for engaging in hazardous labor activities at age 16 rather than age 18. Additionally, the law does not list hazardous occupations that are prohibited for children. The National Education Plan does not include an age up to which education is compulsory, and, although the Government Tuition Fee Subsidy Policy was expanded in 2023, the right to free education is not guaranteed by law.

Papua New Guinea also does not have laws that prohibit using, procuring, or offering a child for illicit activities, including for the production and trafficking of drugs. The law does not sufficiently protect children from commercial sexual exploitation because the actions of using, procuring, and offering a child for pornographic performances are not criminally prohibited. Lastly, the prohibitions against child trafficking are insufficient because they require that threats, the use of force, or coercion be established for the crime of child trafficking.



ENFORCEMENT OF LAWS ON CHILD LABOR

Enforcement agencies in Papua New Guinea took no documented actions to address child labor in 2023.

Agencies Responsible for Child Labor Law Enforcement

Department of Labor and Industrial Relations: Directly employs all labor inspectors in the country and identifies hazards that child workers are exposed to in various sectors.

The Royal Papua New Guinea Constabulary: Papua New Guinea's national police force; enforces criminal laws against child labor and human trafficking.

Enforcement Mechanisms and Efforts

| | | | |
|--|---------|---|---------|
| Has a Labor Inspectorate | Yes | Has a Complaint Mechanism | Unknown |
| Able to Assess Civil Penalties | Yes | Imposed Penalties for Child Labor Violations | Unknown |
| Routinely Conducted Worksite Inspections | Unknown | Conducted Criminal Investigations for Worst Forms of Child Labor Crimes | Unknown |
| Unannounced Inspections Permitted | Yes | Imposed Penalties for Worst Forms of Child Labor Crimes | Unknown |

In 2023, it is **unknown** how many labor inspectors conducted worksite inspections, or whether child labor violations were found. It is also **unknown** whether investigations into suspected cases of the worst forms of child labor were conducted, prosecutions were initiated, or perpetrators were convicted.



COORDINATION, POLICIES, AND PROGRAMS

| | |
|---|---|
| <p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Papua New Guinea established a mechanism to coordinate its efforts to address child labor. However, the government lacks a mechanism to address all worst forms of child labor in the country, including commercial sexual exploitation, sometimes as a result of human trafficking; use in illicit activities, including selling drugs; and forced domestic work.</p> | <p>National Anti-Human Trafficking Committee (NAHTC): Coordinates efforts to address human trafficking. During the reporting period, the NAHTC did not report meeting and continued to lack sufficient resources and commitment from the government.</p> |
| <p>Key Policies Related to Child Labor</p> <p>Papua New Guinea established policies related to child labor. However, the government did not report activities undertaken during the reporting period to implement these policies.</p> | <p>Government Tuition Fee Subsidy Policy: Aims to improve access to education by abolishing school tuition fees and providing subsidies to cover costs for primary and secondary school children who cannot afford an education. The program is slated to subsidize education for students from grades 1 to 12. Papua New Guinea's Prime Minister Marape announced in November 2023 that the program will also cover project fees, which were not previously covered, committing to make public education free for students.</p> <p>National Child Protection Policy (2017–2027): Seeks to strengthen child protection laws, including increased data gathering and analysis, the full implementation of the <i>Lukautim Pikinini</i> Act, and elimination of violence against children at the hands of the police. Research was unable to determine what activities were undertaken to implement the policy during the reporting period.</p> |
| <p>Key Social Programs to Address Child Labor</p> <p>Papua New Guinea funded and participated in a program that included the goal of eliminating or preventing child labor. However, these programs are inadequate to address the problem in all sectors and in all states where child labor has been identified, including in commercial sexual exploitation, use in illicit activities, and forced labor.</p> <p><i>† Program is funded by the Government of Papua New Guinea.</i></p> | <p>Child Care Centers:† Provide a safe location for children removed by Child Protection Officers from situations deemed to be harmful to their health and safety.</p> |

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
 For references, please visit dol.gov/ChildLaborReportss