

**REPORT ON**

**ILO CARIBBEAN SUB-REGIONAL CHILD LABOUR PROJECT:**

**REGIONAL MEETING ON  
CHILD LABOUR  
COMBATING CHILD LABOUR –  
LESSONS LEARNT, THE WAY FORWARD**



**NORMANDIE HOTEL AND CONFERENCES**  
*Trinidad and Tobago*

**Thursday May 4, 2006**

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**REPORT OF MEETING OF CARIBBEAN SUB-REGIONAL CHILD LABOUR  
PROJECT: COMBATING CHILD LABOUR -  
LESSONS LEARNT, THE WAY FORWARD**

*Port of Spain  
4<sup>th</sup> May 2006*

A meeting of agencies involved in the International Labour Organization's (ILO) Caribbean Sub-regional Project on Child Labour was convened at the Normandie Hotel, Port of Spain, Trinidad and Tobago on 4<sup>th</sup> May 2006 to assess lessons learnt and to chart the way forward.

Country reports of delegates are attached at Appendix I.  
A list of participants is attached as Appendix II.  
The Programme of the meeting is attached at Appendix III.

***Welcome and Opening Remarks***

In his welcome remarks, **Mr. Leslie Bowrin**, Project Manager of the Regional Child Labour Project indicated that the purpose of the meeting was to discuss the lessons learnt and to chart the way forward with respect to the International Project for the Elimination of Child Labour (IPEC) for the Caribbean Sub-region.

Mr. Bowrin reported that the IPEC Sub-regional Project started in October 2001 with funding from the Canadian Government for: (i) a research on the incidences of the worst forms of child labour; (ii) capacity building training, orientation and education; (iii) public awareness programmes with press, brochure, posters etc., and outreach activities for the elimination of child labour in vulnerable communities and (iv) rehabilitation and preventative action in Belize, Guyana, Jamaica, and Trinidad and Tobago.

He informed the participants that they would have the opportunity to discuss the draft evaluation report of the Project, which was undertaken by Dr. Timothy Farrell, the external consultant. He indicated that the participants' views of the evaluation were critical and would be taken into consideration in the preparation of the final evaluation report. The final evaluation report would inform the future direction of work to eliminate child labour in the Caribbean.

Mr. Bowrin noted that representatives from St. Vincent and Saint Lucia, which were not a part of the sub-regional project, were invited as observers. These observer countries had indicated an interest in addressing the issue of child labour. He expressed the hope that they would benefit from the experiences of the sub-regional project.

Mr. Bowrin was pleased to report that all CARICOM countries had ratified ILO Convention No. 182. He indicated that during the meeting participants would be expected

to present a status report of their countries' programmes and activities together with their short term plans.

### ***Placing the Elimination of Child Labour in the Wider Development Context***

**Ms. Mary Read**, Deputy Director, ILO Sub Regional Office for the Caribbean made a presentation on the wider development context within which programmes for the elimination of child labour should be framed.

Ms. Read noted that the ILO adopted Convention No.182 on Worst Forms of Child Labour in 1999. That Convention identified the worst forms of child labour and enjoined the international community to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Member States were required to take into account the importance of education in eliminating child labour and take effective and time-bound measures to:

- (a) prevent the engagement of children in the worst forms of child labour;
- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education and, wherever possible and appropriate, vocational training for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take account of the special situation of girls.

She indicated that Convention No. 182 was ratified by 162 states, including all the members of the Caribbean Community. She noted that the United Nations Millennium Declaration had certain goals for education and poverty alleviation which would have the effect of reducing child labour.

Ms. Read referred to the 1<sup>st</sup> Global Report on Child Labour which was published in May 2002. That Report had estimated that 246 million children or 17 per cent of the world child population were involved in child labour. She also noted the risks associated with the worst forms of child labour, including death and exposure to HIV/AIDS.

Reference was also made to the 2004 ILO publication entitled "*Investing in Every Child*". That study showed that the benefits of programmes to eliminate child labour exceeded the costs by a ratio of 6 to 7:1 in the long run.

She further indicated that at the 2005 World Summit specific reference was made of the need to eliminate child labour as part of a global programme. In addition, in November 2005, the Summit of Organization of American States released a Communiqué which included a call for the protection of children from economic exploitation, and for the effective abolition of child labour.

Ms. Read noted that the Caribbean region was not working in a vacuum but was part of a worldwide campaign to eradicate child labour. She indicated that there were global, regional and national expressions of commitment to eradicate child labour, and that all countries were asked to report on their progress and to demonstrate commitment.

The meeting was told that the Second Global Report on Child Labour was due to be released to the public on the 4<sup>th</sup> May 2006. Entitled “*The end of child labour: Within reach*”, the Report observed that there was an encouraging reduction in child labour – especially its worst forms in many parts of the world. The report stated that if current trends continued, child labour in its worst forms could be eliminated within the next decade.

The report indicated that the number of child labourers globally had fallen by 11 per cent over the last four years. The sharpest decrease was in the area of hazardous work by children, where there had been a 26 per cent reduction overall, and 33 per cent reduction in children between the ages of 5 and 14 endangering their lives in hazardous work.

Ms. Read noted that while the ILO was the principal institution that promoted ratification of the ILO Conventions No.182 and No.138 and concrete action through IPEC, there was a worldwide movement in place that supported the elimination of child labour. In particular, there were UNESCO, UNICEF, the World Bank and Non Governmental Organizations all involved.

Policy considerations were important to the elimination of child labour. It was important to combine economic growth with policies in education, welfare, health, youth affairs, employment, justice and law enforcement.

Ms. Read noted that IPEC was active in over 80 countries and supported by 30 international donors. IPEC was responsible for assisting countries to reduce child labour; those countries where IPEC operated longest were among countries that had made an impressive dent in child labour.

She suggested that despite the progress many challenges remained. There was the need for greater national ownership and to have child labour mainstreamed in key human rights frameworks. She noted that child labourers in commercial sex were becoming more infected and affected by HIV. Another challenge was in the growth of the informal economy, which tended to attract child labour.

Ms. Read informed the Meeting that the goal was for the elimination of all worst forms of child labour by 2016. That goal was within reach. To achieve the goal, all countries should be putting into place appropriate time-bound measures by 2008. The ILO would strengthen its responses at the national level and within the worldwide movement.

She indicated that the Global Report on Child Labour would be discussed at the ILO Conference of Delegates in Geneva in June 2006. Delegates would review the actions taken by countries and would map the way forward.

She suggested that Caribbean countries should be warriors for the elimination of child labour. They should evaluate what they had done over the last five years. They had to learn from past successes and failures and adjust their programmes as they moved forward. It was critically important that they develop a programme for the elimination of the worst forms of child labour by 2016.

### ***Presentation on Evaluation of the Regional Child Labour Project***

**Dr. Timothy Farrell**, independent evaluator of the Regional Child Labour Project, indicated that the methodology used for the evaluation was a combination of desk review of project documents and field visits to Belize, Jamaica, Guyana and Trinidad and Tobago. He had briefings with members of Steering Committees, project implementation staff and interviews with parents and children. He had undertaken a cost/effectiveness analysis of the project, with attention paid to the project unit costs.

Some major concerns highlighted were the lack of a concise definition of child labour, and the delays in implementation caused by bureaucracy. These concerns adversely affected the impact of the programme on the target communities.

He noted that the Main Goal of Worst Forms of Child Labour (WFCL) Project was the progressive elimination of child labour, especially the worst forms. He contended that a legal framework was required to support such a goal but that the laws lacked coherence. In addition, the political will and commitment of individual governments to address child labour needed to be strengthened.

He observed the immediate objective of the project (Phase 1) was to ensure that IPEC and its main partners had information on the worst forms of child labour in selected Caribbean countries and had developed a strategy for intervention. Another objective was to sensitize the public, decision makers, child workers and families of children's rights and the risks associated with worst forms of child labour. Dr. Farrell indicated his satisfaction that that objective was achieved.

The Phase 11 of the Project envisaged that at least 500 children would have been withdrawn and prevented from entering hazardous occupations and exploitative forms of child labour. He noted that there was no uniformity related to the age of the child to be protected from child labour. He suggested that all countries in the Project were complying with Convention No.182 except that there was no precise definition of what was hazardous work.

Project Strategy 1 required awareness raising activities with and for:

- children
- parents
- employers and employee associations
- community groups
- ILO social partners

He noted that there were many different interest groups that had to be targeted. He suggested that the Project could not have the same strategies for different interest groups. An important issue concerned market share and different strategies should have been developed to take the differences into consideration.

Project Strategy 2 required a process of tripartite consultation to develop national programmes of action and preventive strategies, including those that provided for the participation of children at risk, to determine what were hazardous occupations and to develop strategies to combat WFCL

Project Strategy 3 required the formulation and implementation of action programmes for elimination of the worst forms of child labour. The initial project strategy included four countries. Dr. Farrell suggested that the implementation agencies should not be bound by bureaucracy. They had a mandate and they knew the problems on the ground. He suggested that they should view their community as their workshop and not allow bureaucracy to get in their way.

Dr. Farrell's assessment was that the Caribbean Regional Project had achieved its target concerning awareness raising. His view was that all relevant agencies were on board. In terms of capacity building, he cautioned that one size did not fit all.

His *principal findings* were:

- design of project was good and there were general and process-oriented objectives and indicators
- the target populations and audience were correct
- there was a high degree of relevance
- there were sound gender and human rights components
- NGOs all had institutional capacity, community credibility and competence to undertake WFCL
- there was heightened awareness at all levels (government, employers, NGOs, labour, communities, parents, children)
- there was public/media cooperation
- there was involvement of NGOs & ILO
- there were audio/video promotional materials
- WFCL was on the national agendas
- draft lists of WFCL definitions of hazardous occupations had been developed
- three of the four countries had active Steering Committee
- the project was implemented in all four countries

- there was a good level of understanding of the WFCL issues
- there was a high level of support from communities, teachers, parents and children
- there were adequate and appropriate educational vocational training opportunities.

The *shortcomings* identified by Dr. Farrell were:

- the time frame for implementation was too short; it should be for a minimum of 10 to 15 years.
- the objectives, indicators and targets might have been too generalized
- there was a lack of assumptions in the design of the project
- there was a lack of SMART objectives though that was not entirely inappropriate
- there was inadequate funding for full and professional staffing at field levels
- there was inadequate attention paid to accommodation requirements
- there was delay in timely receipt of funds at implementing levels
- there was insufficient attention given to current human resource capacities needed for implementation
- targeting was too generalized
- audiences needed to be segmented as in marketing strategies
- the degree of internalization of WFCL issues by some institutions or organizations was questionable
- there was the need for harmonization of the agendas of major institutions with WFCL goals
- hazardous occupations required uniform boundaries on age
- there was the need for inclusion of other ministries- justice, health, tourism in WFCL
- labour and employers' associations required greater commitment
- different approaches were required for employers and trade unions
- the list of WFCL occupations was not codified or legislated
- enforcement was weak
- there was the lack of identification of hazardous work
- there were changes in local leadership
- there was the lack of relevant communication between IPs
- lack of experienced staffing of WFCL agencies
- more focus was required on prevention rather than on withdrawal
- weak monitoring and follow up mechanisms affected reporting
- administrative issues relating to request and timely release of funds
- the project was not sustainable without external financial support
- Preventive –type activities could not be sustainable at the partner level

In terms of *recommendations*, he suggested the following:

- (i) renegotiate the project with partners if interested with the following modifications

- a. Review and specify human resource needs for the project itself without consideration of current NGO staffing in order to eliminate “split-time” project managers and field staff. It was important to focus on what was necessary for the project and not the organization.
- b. Add rent for space as needed for activity areas and project administration.
- c. In consultation with partners define specific occupations that were hazardous in the local context.
- d. Define more precisely under what conditions and at what age children were at risk of entering a specific occupation.
- e. In consultation with partners define specifically what actions needed to be taken to rehabilitate children and ensure that medical or psychological treatment was necessary and that partners had local agreements with appropriate providers, including a budget item for this
- f. Provide bridge funding for new activities
- g. Review computer capability
- h. Include SMART objectives
- i. Maintain the geographic model with respect to the Steering Committee and ministerial efforts
- j. Make information sharing more relevant by re-visiting the geographic framework for partners and future partners and consider using ecological model such as urban and rural as an organizing principle.
- k. Consider grouping projects by kinds of hazardous work.
- l. Ensure adequate training.
- m. Timeframes for implementation needed to be adjusted to reflect reality.
- n. Internal monitoring and evaluation systems should be developed.
- o. Support current and future partners with strategic planning, proposal and budget preparation, so that they could pursue other financial support.

In response to a question, Dr. Farrell submitted that despite the shortcomings, the project could not be considered a failure. He strongly recommended that the project should continue.

Another participant suggested that some of the countries in the region had moved away from the labour/management divide. Both the trade union movement and the employers’ association had a common understanding of the problem and solution. While the differences had to be recognized, the two interest groups collaborated on their common interests.

The meeting was informed that the ILO would distribute to the project countries for comments the draft evaluation report.

## *Findings and Recommendations of Review of Caribbean Child Labour Laws*

**Mr. Clive Pegus**, Attorney-at-Law/Consultant, with Ideas to Business Limited, presented the findings and recommendations of his review of Caribbean Child Labour Laws, which was undertaken in early 2005.

### *Policy*

He noted that ILO Convention No. 138 required all States to have policies for the elimination of child labour. Although the countries studied had national policies in areas connected with child labour, such as education, childcare protection, welfare, social security, legislation, labour administration and social development, there were no coherent explicit policies on child labour. The policies had been formulated without adequate reference to the Conventions on child labour.

These Caribbean countries had initiated action to remedy the policy deficiency and had recently established national committees or steering committees on child labour whose task was to make recommendations for a policy and a national plan of action on child labour. There had been different approaches to the establishment and composition of these Committees. In some countries the Cabinet had appointed the Committee, while in others the Minister of Labour made the appointment. In most, but not all countries, the Committee included non-governmental organizations.

He suggested that the procedure for the establishment and the composition of Committees on Child Labour should take cognizance of the fact that child labour transcended the policy limits of the Ministry of Labour. Within the Caribbean region, it could involve not only the Ministry of Labour but also the Ministries responsible for education, health, social services, human development, family services, justice and police, Attorneys General, youth affairs, immigration, agriculture, tourism, gender affairs and statistics. Issues of child labour also required the involvement of the trade unions, employers' organizations and non-governmental organizations.

### *Minimum Age for Employment*

At ratification, the minimum age declared for admission to employment or work was 14 years in the case of the Bahamas and Belize; 15 years for Guyana; and 16 years for Barbados and Trinidad and Tobago.

In actual practice, the legal minimum age for admission to employment ranged from 12 years to 16 years and all the countries, except Guyana had more than one minimum age or a limited minimum age. Most countries had two minimum ages: one general or basic minimum age and a different minimum for work in fisheries vessels or ships. Barbados had one minimum age but it was limited to industrial undertakings and ships. ILO Convention No. 138 required a basic minimum age for admission to employment. *Therefore those countries with more than one minimum age should consider amending*

*their laws to ensure that there was one basic minimum age consistent with Convention No. 138.*

All the countries in the study had provisions in their Education Acts on the compulsory age for the completion of schooling. The Bahamas, Barbados, Belize and Guyana all had a compulsory age for the completion of schooling that was not lower than their declared and legal minimum age for admission to employment. Trinidad and Tobago and Suriname both had the compulsory age for completion of schooling at 12 years, which was below the ILO minimum age for admission to work. It should be noted that both Trinidad and Tobago and Suriname were in the process of changing their compulsory ages for schooling to 16 and 14 years respectively.

In the case of the Bahamas, the compulsory age for the completion of schooling (16 years) was higher than the minimum age for the admission to employment (14 years).

*In the spirit of the ILO Convention No. 138, the Bahamas should reconsider whether it should set its minimum age for the admission to employment to age 16 and amend its Employment Act accordingly.*

In addition, *the Government of Belize, which has established a minimum age of 14 years, will have to establish some timeframe to progressively increase its minimum age for employment to 15 years, in keeping with the requirements of the Convention.*

#### *Light Work*

*With the exception of the Bahamas, none of the countries had the requisite legislative framework dealing with light work. In the Bahamas the legal provision on light work restricted its applicability in terms of scope (to four activities) and duration (five years) as required by the ILO Conventions.*

With respect to the protective measures required for light work such as the number of hours and other conditions, all the laws prohibited children of compulsory school age from working during school hours and from night work. In the case of the Bahamas, the prohibition of work during school hours was not only limited to children of compulsory school age but to all school children. Because there were many children beyond the compulsory school age in the school system, *the Bahamas law of prohibiting from employment all school children during school hours, not merely those of compulsory school age, was a good practice that other countries might wish to emulate.*

#### *Artistic Performances*

Only the Bahamas had any legislative and administrative framework regarding the engagement of children in artistic performances.

*The other Governments might wish to consider adopting laws similar to those of the Bahamas on artistic performances of children under the minimum age for employment. In*

*the Bahamas no child may be engaged in artistic performances unless the Minister of Labour, after appropriate consultations with the representative organizations of workers and employers, gives a permit under terms and conditions that takes into consideration the welfare of the child. That provision accorded fully with the provisions of the ILO Convention.*

#### *Hazardous work*

All Caribbean countries had legislation that sought to protect young persons from hazardous work. In all cases, protection extended to young persons up to the age of 18 years. In all cases a young person was defined to mean a person between the minimum age for employment and the age of eighteen years.

Protection for young persons was regulated in some cases by limitations on the kinds of occupation or activities for which they might be engaged, by the procedure for employment, by the conditions of employment and by special requirements imposed upon employers.

In the case of Belize, young persons could not be employed except in occupations approved by Labour Officers as not being injurious to the moral or physical development of the young person. In the case of Barbados, there was a statutory list of prohibited activities for which young persons might not be employed. However, the prohibited list was limited to industrial undertakings and the sale of alcoholic beverages. It did not address hazardous work in other occupations.

In most countries the Minister of Labour had the power to declare occupations or activities that might be considered to be injurious to the health, safety and welfare of young persons. There was no stipulation that such determination must be done after consultation with the organizations of workers and employers, in accordance with Conventions Nos. 138 and 182.

In all the countries that were subject to the study, with the exception of the Bahamas, employers were required by law to maintain a register of young persons in their employment. The Bahamas was encouraged to amend its Health and Safety Act to impose a duty on employers to maintain a register of young persons to ensure compliance with the Conventions.

In all countries surveyed, there were prohibitions on night work for young persons. The hours ranged from 6:00 p.m. in the case of Barbados and 10:00 p.m. in the case of Trinidad and Tobago to 6:00 a.m. for most countries.

Of interest was the responsibility of the other agencies and Ministries in the Bahamas and Belize for the prevention of hazardous work for young persons. In the case of the Bahamas, the Minister of Education had the power to prohibit or restrict the employment of children under the age of 16 years who were registered at a state-maintained school where the child's employment was prejudicial to his or her health or otherwise rendered

the child unfit to obtain the full benefit of an education. Guyana's Education Act also gave some power to the Education Ministry in monitoring child labour generally but not with specific reference to hazardous work.

In the case of Belize, the Family and Children Act prohibited the employment of a child under eighteen years in any activity that might be detrimental to his/her health, education or mental or physical or moral development.

Mr. Pegus suggested that countries in the region might wish to strengthen the protection of children and young persons from hazardous work by either:

- (i) determining, after consultation with the social partners, a comprehensive list of hazardous occupations and activities;
- (ii) pending such determination, enact legislation similar to Belize whereby young persons may only work in an occupation approved by the Labour Department;
- (iii) also vesting power in the Education Ministry or the Children's Authority to complement the authority of Labour Inspectors to monitor the situation of children in work.

#### *All forms of slavery or practices similar to slavery*

There were constitutional provisions in all countries surveyed which recognized and declared certain fundamental human rights and freedoms including the right of individuals to life, liberty, security of the person and enjoyment of property; the right of the individual to respect for their private and family life; freedom of movement; and freedom of association and assembly. Thus, the act of slavery or practices similar to slavery offended against the Constitution of all countries surveyed.

In some countries there are provisions of the criminal law that outlawed slavery and practices similar to slavery. In Suriname, for example, the Penal Code specifically prohibited slavery and practices similar to slavery. In Barbados, the Offences Against the Person Act had a similar provision.

#### *Sale and trafficking of children*

There exists no specific legislation on child trafficking in the Caribbean countries surveyed, except for Guyana. There were general offences of trafficking in person, and offense of child stealing that was of limited application.

Suriname's Penal Code made trafficking in persons an offence but there was no specific provision relating to trafficking in children. In other jurisdictions like Barbados, Belize and Trinidad and Tobago, there was a statutory offence of child stealing. In most jurisdictions, this offence was applicable only in respect of children under the age of 16 years, thus excluding children between 16 and 18 years. In Belize the offence of child stealing extended only to a child under the age of 12 years, while the offence of abduction was applicable only in respect of a female under 18 years.

Guyana had recently enacted comprehensive legislation on trafficking of children. The Combating Trafficking in Persons Act 2005 provided for the offence of trafficking in children. Section 3(1) provided that whoever engaged in or conspired to engage in or attempted to engage in or assisted another person to engage in or organized or directed other persons to engage in trafficking in persons shall

- (a) be sentenced to any term of years or life imprisonment;
- (b) be subject to forfeiture of property; and
- (c) be ordered to pay full restitution to the trafficked person.

Section 3(2) provided that the recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits to obtain the consent of a person having control of a child for the purpose of exploitation shall constitute trafficking in persons. The purpose of the trafficking is not limited to sexual exploitation. It includes keeping a person in slavery or subjecting the person to practices similar to slavery; compelling a person to provide forced labour or services; keeping a person in servitude and engaging in any form of sexual exploitation such as pimping, pandering, procuring, profiting from prostitution, maintaining a brothel and child pornography. A child for the purposes of this bill is someone under the age of 18 years.

Special provision was made for the evidence of victims who are children. Section 25 provided that special programmes should be developed to accommodate child witnesses including:

- i. testimony of a minor conducted outside court setting by video;
- ii. all testimony and court proceedings to take place with parent, legal guardian or foster parent present;
- iii. whenever safe and possible, children should be reunited with family members either in country of origin or destination;
- iv. special mental and physical medical care tailored to the child's needs;
- v. child victims of trafficking should be guaranteed education.

*Mr. Pegus invited participants to recommend that their Governments consider introducing comprehensive legislation on the sale and trafficking of children similar to the Act in Guyana. He expressed the view that The Combating Trafficking in Persons Act met the requirements of ILO Convention No. 182 in areas relating to trafficking of children, commercial sex activities, debt bondage and forced labour.*

*Debt bondage, serfdom, forced and compulsory labour*

The concept of debt bondage, serfdom, forced or compulsory labour offended against provisions of the Constitution of all countries surveyed. In addition, some countries had specific provisions in their criminal law or labour law, which prohibited forced and compulsory labour. In both Barbados and Suriname forced labour was prohibited under the Employment Act and Labour Code, respectively.

### *Compulsory recruitment of children in armed conflict*

There was no compulsory recruitment of children in armed conflict in any of the jurisdictions surveyed. In the Bahamas, Belize, Guyana and Suriname, recruitment in the Defence Force was from age eighteen. Both Barbados and Trinidad and Tobago allowed recruitment under 18 years but only with the consent of the parent or the guardian of the child who must be over 16 years.

### *Use, procuring or offering a child for prostitution, pornography or pornographic performances*

The law in all jurisdictions provided some limited protection for children against prostitution, pornography or pornographic performances. These are laid out in Children's Act, Sexual Offences Act (Trinidad and Tobago); Criminal Code (Belize); Sexual Offences Act (Barbados); Criminal Law Offences Act (Guyana); Penal Code (Suriname and Bahamas).

Most of the jurisdictions had limitations in terms of the age or gender of the victim. In Bahamas and Barbados offences of procuring a minor to have sexual relations with any person is limited to a minor of 16 years. In the case of Guyana, the offence is applicable only to a female victim.

*Mr. Pegus suggested that all Governments of the countries surveyed should review their laws on the use, procuring or offering a child for prostitution or pornographic performances. In particular, they should ensure that they should amend the age requirement of the victim to 18 years and ensure that the offence covers both male and female children.*

### *Use, procuring or offering a child for illicit activities, production and trafficking of drugs*

In all jurisdictions reviewed, the use, procuring or offering another person for illicit activities amounting to indictable offences constituted the offence of aiding and abetting. However, most jurisdictions did not have any special provisions relating to the use, procuring or offering a child for illicit purposes. Barbados had specific provisions relating to use of children in the production or trafficking of narcotic drugs.

*All Governments of the countries surveyed should review their laws on the use, procuring or offering of a child for illicit purposes.*

### *Preventive and Remedial Measures*

All Caribbean jurisdictions provided free access to primary education. In most countries there was universal access to primary education. In the Bahamas and Barbados, the compulsory age for the completion of school was 16 years. In Guyana it was 15 years. In Belize it was 14 years and in Trinidad and Tobago and Suriname it was 12 years. The

Education Laws of all the countries provided for some monitoring by the Ministry of Education to ensure that children of compulsory school age attended school. The laws provide for School Attendance Officers.

Despite the compulsory school age and monitoring framework, many children in some jurisdictions were out of the school system. In Suriname about 78 per cent of the children of primary school age attended school. In Belize, while the education statistics for the 2000/2001 school year showed that primary school gross enrolment rate was over 100 per cent, there were still concerns about out-of school children. In addition, gross enrolment at secondary schools for that same year was only 60.6 per cent. In Guyana the net enrolment rate for primary school for the year 1998 was 91.9 per cent, while it was close to 100 per cent in Barbados and the Bahamas and Trinidad and Tobago. A major concern for some of the jurisdictions was the high drop out rates particularly at secondary school.

The jurisdictions also had laws that sought to protect children from the need to seek employment. Legal duties were imposed on parents and guardians, which had the effect of preventing child labour. Parents and guardians in all jurisdictions had a primary legal duty to provide adequate food clothing, medical aid and lodging for their children.

In all countries, legal powers were vested in relevant authorities to remove children who were exposed to moral danger, ill-treatment or neglect in a manner likely to cause suffering or injury to the child's health. In addition, there were certified Industrial Schools and Orphanages which were legally bound to house, clothe and feed children in need of care and provide for their education.

### *Enforcement*

There were legal sanctions in all the jurisdictions on employers and others responsible for child labour violations. Liability was also imposed on agents of employers. However, some countries might wish to review the quantum of fines to bring them in line with current economic circumstances and the deterrent principle mentioned in the ILO Conventions.

The enforcement agencies for the worst forms of child labour included the labour inspectorate, the police, the judiciary, the education department, social services and children authorities. It is important that these agencies develop multi-disciplinary and integrated approaches to enforcement which build upon the comparative advantages and complementary competencies of the different actors. These agencies should also strengthen links with voluntary social organizations involved with the welfare of children.

There was a critical need for countries to ensure that enforcement strategies were based on adequate data on the nature and extent of child labour disaggregated in the manner suggested in paragraph 5(2) of the Worst Forms of Child Labour Recommendation No. 190.

All States studied should ensure that the activities to support child labour enforcement systems were mainstreamed within national development plans to ensure sustainable financing for enforcement agencies.

### *Investigation and inspection*

In all the countries surveyed, there was no legislation mandating a systemic review of the national child labour situation. The lack of legislation was generally not an impediment to the review of child labour situation. Policy or administrative arrangements could be made even in the absence of legislation for such a review. However there had been no systematic review.

*Mr. Pegus recommended that a legal duty should be imposed on the Minister of Labour to have systemic reviews of the child labour situation in Caribbean countries.*

In the countries surveyed, labour inspectors had the power to enter, inspect and examine at all reasonable times by day and night any premises for compliance with the labour laws. There were limitations on the use of information obtained by Labour Inspectors in the course of their inspections. In some cases like Belize, the non-disclosure restriction on information was limited to the legitimate business interests of employers. In other cases like Barbados, there were wider restrictions, not limited to the legitimate business interests of employers, on the use of information. All countries should review their laws to ensure that there was no impediment on the use of information related to child labour for the purposes of any central database on child labour. In addition, such information should be accessible on a confidential basis to Government Officials engaged in the protection of children rights.

Mr. Pegus argued that there was a dire need for labour inspection services in the region to mainstream child labour monitoring into their core functions, programmes and activities. The labour inspection services should strengthen mechanisms to coordinate action to combat child labour, in particular its worst forms, including co-ordination mechanisms that involve the social partners and other key stakeholders.

### *Institutional Framework*

In all jurisdictions, the Ministry of Labour was the competent authority for the monitoring and implementation of the ILO Conventions 138 and 182. However, effective monitoring and implementation of these Conventions involved not only the Ministry of Labour but also the Ministries of Education, Health, Social Services, Human Development, Family Services, Justice and Police, Attorney General, Youth Affairs, Immigration, Agriculture, Tourism and Statistics. It also involved the trade union movement, employers' organizations and non-governmental organizations. One progressive development in Guyana was the amalgamation of several of these agencies, namely, Labour, Social Services, Probation and Human Development, under the umbrella of one Ministry. That integration of services made coordination easier and more effective.

In most jurisdictions, the coordination required by these different agencies for the effective monitoring of child labour did not exist. The laws in some countries restricted the ability of persons engaged in child protection from sharing relevant information with other related agencies. Most jurisdictions were in the process of developing a plan of action for the prevention of child labour and a Central Registry for monitoring the status of children in need of special protection, which would address some of the traditional problems with respect to information sharing and coordination.

In the areas of unconditional worst forms of child labour, because they were traditionally considered to be crimes, they were enforced by Police Services. In addition, the Child Board, Children's Authority or Social Services Department in most jurisdictions had the lead agency for the protection of children from the worst forms of child labour.

Traditionally these agencies pursued their mandates without coordination within a child labour context. There was now greater cooperation and coordination among them and a new focus on child labour in their approach.

### ***Strategic Framework for Combating Child Labour in the Caribbean***

**Mr. Leslie Bowrin**, Project Manager, stated that child labour manifested itself in the Caribbean in varying degrees of intensity, depending on the size, economic profile, and level of development of countries in the region. He indicated that in tourism oriented countries such as the Bahamas and Barbados, where economic activity was driven by tourism, there were reports of children and adolescents being exploited for commercial sexual activity and the illicit drug trade. In more diversified economies such as Belize, Guyana, Jamaica, Suriname and Trinidad and Tobago, child labour manifested itself in agriculture, urban work, mining, construction, scavenging, commercial sexual activity and the illicit drug trade.

He noted that there was very little social infrastructure geared to its research, analysis, eradication and prevention. He further stated that recent national plans of action to implement the Convention on the Rights of the Child had created opportunities to focus on a strategy for the elimination of child labour in the region.

In developing the strategic framework, national child labour committees first undertook a problem analysis. This analysis showed that there were five broad categories of problems:

- gaps in existing legislation and insufficient law enforcement
- inadequacy of policy and programmes
- problems related with the socio-economic condition of the families
- cultural and social values that tolerated and even sought to justify child labour
- problems related to access to and relevance of education systems.

Based on the problem analysis, five high level objectives were identified in the areas of legislation and enforcement, policy development, social values, education and socio-

economics. There was need to amend the laws to make them consistent with the ILO Conventions 138 and 182. There was also the need to include a clear definition of child labour in the laws and to harmonies the education and labour laws.

In addition, the issue of child labour needed to be fully integrated into the social policy framework in the region, Countries needed to elaborate a clear and effective policy for the eradication and prevention of child labour, and to define immediate actions towards the urgent elimination of the worst forms of child labour.

It was agreed that poverty or the economic vulnerability of the family unit was one of the leading causes of child labour. It was therefore essential to create conditions so that families had enough income to cover their basic needs in a sustainable manner. Following the problem and objectives analyses, each committee developed draft plans of action.

Plans:

1. Develop and fine tune action plans based on SPIF<sup>1</sup> report
2. Discuss strategic approach to mainstreaming of child labour activities with Ministers, social partners
3. Collaboration with UNECLAC, UNDP, UNICEF, IPEC, CSOs, ILO POS to enhance sustainability and integration of child labour activities into social policy and programmes
4. Public awareness and community mobilization against child labour.

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<sup>1</sup> SPIF stands for Strategic Planning Impact Framework. It is a model developed by ILO/IPEC

## **Country Reports**

### **Status Report; what is to be done and plans for the year**

#### ***Bahamas***

##### *Status Report*

Child labour was now being recognized as an issue for attention. There was the need for education and building awareness on the issue. A critical area of concern was the informal sector which was expanding. Another concern was with urbanization.

The country had enacted its Employment Act of 2001 which provided a minimum age of 14 years for admission to employment. However, the age for the completion of compulsory education was 16 years. There was the need to review the minimum age for admission to employment.

##### *Future Action*

Action was required in the areas of legislation, policies, programmes, and action plan. The Bahamas has a child labour rapid assessment and law review. Attention must now be focused on ensuring that its laws are made consistent with ILO Convention through a tripartite approach. There was also the need to mount an ambitious awareness campaign to ensure that child labour was eliminated. The Bahamas also had to make sure that there was buy-in for its programmes.

In addition, the Bahamas needed to get tough especially with penalties. There was need for stiffer penalties.

There was also the need for a road show to the Bahamas family of islands to address the need for the elimination of child labour. An effort had to be made to ensure a consistency of approach in the islands. There was also the need to utilize the civil society.

#### ***Barbados***

##### *Status Report*

Main achievements were:

- The establishment and functioning of the Child Labour Committee. Initially, when ILO met with the Barbados' Officials, all the agencies as major stakeholders met and felt there was no problem. Then the teachers said yes there was a problem. The Child Labour Committee now had sub groups looking at issues of education, health etc.

- A study on the harmonization of laws relating to child labour undertaken by an expert from the University of the West Indies. Changes in the laws were being considered.
- A survey instrument was developed to be used by government departments. It was aimed at getting certain information to identify vulnerable groups.
- A review of the list of hazardous occupations and activities was being undertaken.
- Education/awareness and monitoring. There were truancy officers who monitored and investigated the causes of school absences. Funds were allocated for an awareness campaign targeting parents, teachers, church etc.
- Advocacy – promotion slots on radio and television
- Policy development

## ***Guyana***

### *Status Report*

Guyana had a National Steering Committee for the Elimination of Child Labour. That Committee had embarked upon a pilot intervention project at Parika to withdraw 75 child labourers from child labour. It had succeeded in withdrawing 51 girls and boys from child labour. They undertook skills training in sewing, cosmetology, literacy, cookery, computer literacy, and mechanics. They graduated from the training programmes. The boys had continued in a mechanics apprenticeship programme. The girls who were withdrawn from child labour would form a NGO to design, manufacture and market clothing. The implementing agency had submitted a proposal to purchase sewing machines for the graduates to facilitate the continuation of their training and marketing of their clothing.

There was another programme that paid attention to 200 children at risk of dropping out of school. Literacy work was done with 230 children at risk through two primary schools. Volunteers had continued to work with the children. They remained in school and there was a noticeable improved performance of those children.

Another programme focused on 15-17 vulnerable families. Counselling and parenting workshops were provided. The workshops initially attracted good attendance. Eventually attendance dropped. Parents had to do other activities to find money which would have brought in by the children.

There was an awareness programme in Parika. The children developed posters and banner. There was also child labour month with awareness activities in June.

The National Steering Committee also had media programmes, television documentary so that persons throughout the country were able to see those programmes. There were bumper stickers, t-shirts and bags.

They also organized a child labour march attended by the First Lady who was the Chair of Committee. She gave the children key chains representing the key to their future.

The Government had recently enacted the Trafficking in Persons Act which had special provision for the protection of children from commercial sexual activities with stiff penalties. There was also a new Children Bill to consolidate all children matters. This Bill was now in draft stage.

### *Future action*

In terms of areas of action, the following were identified:

- continuance of the National Steering Committee
- involvement of Partners of America in USDOL funded Project 2005 – National Educare which involved awareness building, institutional strengthening, educational systems strengthening
- follow-up activities from the Parika Pilot Project in terms of literacy training, and continuation of the girls in the NGO with funding to be sought
- public awareness
- networking and programme collaboration referrals relating to government funding/economic activities, school attendance, enforcement of penalties and recommendations for follow-up.

## ***Belize***

### *Status Report*

In terms of achievement, there were:

- Formation of a national Child Labour Sub Committee under the National Families and Children Commission
- SPIF Workshop
- Development of elements of a strategic plan for the elimination of child labour
- National child activity survey and 2 in-depth studies on child labour
- Action plan based on the results of SPIF
- Pilot project in two Mayan villages in Southern Belize
- Seventy-five child labourers were removed from workforce
- Public education programmes to prevent child labour
- Parenting education
- Homework assistance for children at risk
- Recreational activities for children at risk
- Income generation for parents in vulnerable circumstances
- Sensitization and capacity building for local level organizations
- Commercial sexual exploitation study
- Hazardous work seminar
- Participation in review of child labour laws
- Strengthening of child protection system

- Legal and policy reform
- Institutional strengthening
- Increase in age of marriage from 14 to 16 years
- Increase in age of criminal responsibility
- National plan of action 2004-2015

### *Future Action*

Projections for the next 6-12 months:

- Consultancy to review and draft recommended legal amendments in compliance with ILO Conventions
- Advocate for implementation of HFLE Curriculum and other public education activities
- Follow-up actions based in results of CSEC study
- Institutional strengthening of existing support programmes e.g. truancy
- Continued public awareness programmes and activities
- Follow-up of core elements of Pilot Project
- Exploring other sources of funding and partnership

## ***Jamaica***

### *Status Report*

Jamaica had implemented its national country programme 2000-2004 implemented with the following objectives:

- o data collection
- o public awareness
- o capacity building
- o direct support
- o advocacy

The following achievements were noted:

- rapid assessment of child labour
- baseline study
- national survey
- electronic tracking system

In terms of public awareness, a video was produced. A campaign song was also recorded. There were seminars, media interviews and articles in various newspapers, mobile exhibitions, brochures, and flyers. There were also sensitization programmes involving community drama, youth camps, service clubs, worker organizations, and police. Linkages were also created with BBC and other international media houses.

In terms of capacity building, the Ministry of Labour and Social Services established an office to support the development and implementation of programmes and activities to eradicate child labour. In addition, training was provided for NGOs and implementers. Technical training was provided for implementers of the programme to eradicate child labour. The trade unions and employers' organizations also received training.

Three NGOs supported the programme in Spanish Town, Rocky Point, Old Harbour Bay, Montego Bay/St. James, Hanover with emphasis on withdrawal and prevention and working with parents. The target was exceeded.

In terms of advocacy, Jamaica ratified Conventions 182 and 138 in October 2003 and March 2004. The Child Care and Protection Act was passed and a new Occupational Safety and Health Act, yet to be promulgated, was enacted.

#### *Future Actions*

The Jamaican team informed the meeting that the following actions were required in the short-term:

- re-establish the Steering Committee with more autonomy as a National Task Force in Child Labour with specific responsibility to assess and determine future strategic direction;
- finalise the preliminary list of hazardous occupations for children;
- secure funding for a comprehensive, integrated time-bound programme for the elimination of the worst forms of child labour;
- review administrative support for the Child Labour Project
- develop a handbook on the elimination of child labour;
- finalise plan to prevent trafficking in young persons;
- intensify research programme.

## **Trinidad and Tobago**

#### *Status Report*

- (i) There was a Steering Committee for the elimination of child labour;
- (ii) The Steering Committee met monthly and submitted its Annual Report to the Minister of Labour and to Cabinet
- (iii) A draft policy in child labour was prepared and submitted to cabinet for its consideration and approval
- (iv) A national plan of action for children had been prepared
- (v) The Children Authority had been established
- (vi) Project for the removal and rehabilitation of child labourers in the Beetham and Forres Park Landfill Sites
- (vii) Implementation agency is the Young Men Christian Association
- (viii) Problems encountered include:
  - security risks and difficulty in locating child labourers at Forres Park

- human resource challenges of the implementing agency
- (ix) Nineteen children identified as at risk were enrolled in the All in One Centre
- (x) psychological assessments were done for the 19 children
- (xi) ILO proposal for continuation of project from May 2006 was being reviewed by Government

*Future Action*

- Policy development
- Legislative action
- A national consultation to finalise the draft policy
- Development of a plan of action for the prevention of child labour
- Legislative action to give effect to ILO Conventions 138 and 182
- Education and awareness programmes targeted to children, parents and general population

**Sub-regional Meeting: Combating Child Labour –  
Lessons Learnt, The Way Forward**

**4 May 2006  
Trinidad & Tobago**

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**INTERNATIONAL LABOUR ORGANIZATION  
ILO Subregional Office for the Caribbean**

**Combating Child Labour – Lessons Learnt,  
The Way Forward**

**Normandie Hotel and Conferences  
Trinidad & Tobago  
4 May 2006**

- 8:00 a.m.**                      **Registration**
- 9:00 a.m.**                      **Welcome and Opening Remarks**
- Mr. Leslie Bowrin, Project Manager, Regional Child Labour Project
- 9:05 a.m.**                      **Placing the elimination of child labour in the wider development context**
- Ms. Mary Read, Deputy Director, ILO Sub Regional Office for the Caribbean
- 9:50 a.m.**                      **Presentation on Evaluation of the Regional Child Labour Project**
- W. Timothy Farrell, PhD, Independent Evaluator
- 11:00**                              *Coffee Break*
- 11:30 a.m.**                      **Findings and Recommendations on the Review of Child Labour Laws**
- Clive Pegus, Attorney-at-Law
- 12:00 p.m.**                      **Strategic Framework for Combating Child Labour in the Caribbean**
- Mr. Leslie Bowrin, Project Manager, Regional Child Labour Project

**12:30 p.m.**

*Lunch*

**2:00 p.m.**

**The Way Forward – Group Sessions**

**3:30 p.m.**

*Coffee Break*

**3:45 p.m.**

**Group Presentations**

**4:00 p.m.**

**Closing Remarks**

Mr. Leslie Bowrin, Project Manager, Regional Child Labour Project