

Non-Independent Countries and Territories

There is limited information regarding the prevalence and distribution of the worst forms of child labor in non-independent countries and territories eligible for GSP, AGOA and CBTPA benefits.⁶³⁶⁶ Statistics on child work and school attendance are not available from the sources used in this report. In some cases, there is no evidence to suggest that the worst forms of child labor exist in certain non-independent countries and territories. In these cases, when laws appear to meet the guidelines called for in ILO Convention 182 and embodied in the TDA, no recommendations for action have been included.

These non-independent countries and territories generally are not eligible to become members of ILO, so the organization's Minimum Age Convention (No. 138) and the Worst Forms of Child Labor Convention (No. 182) do not apply to the majority of them.⁶³⁶⁷ Territories are generally subject to the laws of the sovereign country.

⁶³⁶⁶ U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, (2010); available from <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.

⁶³⁶⁷ Most of the areas covered in the summary report are considered non-metropolitan territories and are therefore ineligible to become members of ILO. While ILO still does not have an official definition for "non-metropolitan territory," in earlier versions of the ILO Constitution, "colonies, protectorates and possessions which are not fully self-governing" was used in place of this term. An ILO member can submit a declaration to ILO requesting that these conventions apply to their non-metropolitan areas. ILO, *Constitution of the International Labour Organization*, (April 20, 1948), article 35; available from <http://www.ilo.org/ilolex/english/constq.htm>. See also ILO official, E-mail communication to USDOL official, January 31, 2002. Please see the chart regarding ratifications of international conventions and selected non-independent country and territory laws at the end of this discussion.

Anguilla

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Anguilla are engaged in the worst forms of child labor, specifically in commercial sexual exploitation. Reportedly, children perform sex acts in exchange for money and gifts.⁶³⁶⁸ These transactions often occur with the knowledge, consent and sometimes initiation of the child's parent.⁶³⁶⁹ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 to 16 years) from employment during the school year and children younger than age 14 from employment at all times.⁶³⁷⁰ The Employment of Children (Restriction) Act limits children younger than age 12 from working in any capacity, including light work. Under the Restriction Act, children younger than age 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.⁶³⁷¹ In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.⁶³⁷² It is unclear whether or not the Education Act supersedes the Employment of Children (Restriction) Act. The Employment of Women, Young Persons and Children Act prohibits all children younger than age 17 from working in industrial undertakings or at night.⁶³⁷³ The Governor of the Territory has the authority to expand restrictions on child labor.⁶³⁷⁴

The Anguilla Constitution prohibits slavery and forced labor.⁶³⁷⁵ The law prohibits the prostitution and abduction of children.⁶³⁷⁶ Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.⁶³⁷⁷

The Education Act makes education compulsory to age 16.⁶³⁷⁸ The law also guarantees free education through age 17.⁶³⁷⁹

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Anguilla has established a coordinating mechanism to combat the worst forms of child labor. However, with support from the British Government, Anguilla has formed a multiagency Child Protection Steering Committee. The committee, which is chaired by the Department of Social Development, includes members of local NGOs, the Department of Probation, the Judiciary, the Education Department, the Health Authority, the Department of Youth and Culture, the Royal Anguilla Police Force and the Attorney General's Chambers.⁶³⁸⁰ Since its formation, the Steering Committee has spearheaded the drafting of Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought consultation from practitioners in the field of child protection.⁶³⁸¹

The Employment of Children (Restriction) Act designates the Labor Commissioner as responsible for enforcing child labor laws. The act authorizes the labor commissioner to investigate work sites where children are believed to be employed and prosecute, conduct or defend any information, complaint or other proceeding arising under the act.⁶³⁸²

Research did not reveal information on the agencies responsible for enforcing laws against the worst forms of child labor, particularly

commercial sexual exploitation, or on any enforcement actions taken during the reporting period.

Government Policies on the Worst Forms of Child Labor

The Government has developed a Child Protection National Action Plan, which calls for the establishment of child protection protocols and the development of necessary legislative and institutional frameworks to address issues impacting children and their families.⁶³⁸³ However, research found no evidence that the Government has established policies to explicitly address child labor. The question of whether the Child Protection National Action Plan has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

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

The Government of Anguilla participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development.⁶³⁸⁴ Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety. In Anguilla, SCOT has helped the Government develop child protection protocols, which include partnership with civil society organizations.⁶³⁸⁵ The question of whether SCOT has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Anguilla:

IN THE AREA OF LAWS AND REGULATIONS:

- Clarify whether the Education Act's minimum age of 14 for employment of any type supersedes the Employment of Children (Restriction) Act's rule that allows exceptions to the minimum age of 14.
- Raise the minimum age for military recruitment to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism to combat the worst forms of child labor, commercial sexual exploitation in particular.
- Identify agencies responsible for enforcing laws against the worst forms of child labor, particularly commercial sexual exploitation.
- Collect, analyze and disseminate information regarding the enforcement of relevant laws to protect children from commercial sexual exploitation.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to guide the development of policies to address the problem.
- Assess the impact the Child Protection National Action Plan may have on addressing child labor, particularly commercial sexual exploitation.

IN THE AREA OF PROGRAMS:

- Assess the impact SCOT may have on addressing child labor, particularly commercial sexual exploitation.

⁶³⁶⁸ Adele D. Jones and Ena Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean: The report of a study carried out across the eastern caribbean during the period October 2008 to June 2009*, UNICEF Office for Barbados and the Eastern Caribbean, University of Huddersfield, and Action for Children, 2009, 115-116, 121-122, 126; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁶³⁶⁹ *Ibid.*, 115-116, 124.

⁶³⁷⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Third and Fourth Periodic Reports of States Parties Due in 2007 - United Kingdom of Great Britain and Northern Ireland*, 2007, 166; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁶³⁷¹ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

⁶³⁷² *Ibid.*

⁶³⁷³ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

⁶³⁷⁴ Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

⁶³⁷⁵ Government of Anguilla, *The Anguilla Constitution Order 1982*, (April 1, 1982), sections 4, 5; available from <http://www.gov.ai/images/Anguilla%20Const.pdf>.

⁶³⁷⁶ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 170, 171.

⁶³⁷⁷ Coalition to Stop the Use of Child Soldiers, "United Kingdom," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/united-kingdom>. See also Central Intelligence Agency, "Anguilla," in *The World Factbook*, Washington, DC, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁶³⁷⁸ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*. See also Government of the United Kingdom of Great Britain and Northern Ireland, *Education Act 1996*, (July 24, 1996); available from <http://www.legislation.gov.uk/ukpga/1996/56/contents>.

⁶³⁷⁹ UNESCO, *Education for All Global Monitoring Report: Reaching the Marginalized*, 2010; available from www.unesco.org/new/en/education/themes/leading-

the-international-agenda/efareport/reports/2010-marginalization/.

⁶³⁸⁰ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: United Kingdom of Great Britain and Northern Ireland*, CRC/C/GBR/4, Geneva, February 25, 2008; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc.

⁶³⁸¹ Anguilla Correspondent, “Child Protection Protocols come under the Microscope,” *Anguilla Express*, March 3, 2010; available from <http://www.anguillaexpress.com/?p=1855>.

⁶³⁸² Government of Anguilla, *Employment of Children (Restriction) Act*, articles 4.

⁶³⁸³ Anguilla Correspondent, “Child Protection Protocols come under the Microscope.” See also Ijahnya Christian, “Heartically Yours: Building Capacity for Social Protection,” *The Anguillian*, September 19, 2008; available from <http://www.festival.ai/index.php/article/articleview/6235/1/207/>.

⁶³⁸⁴ Anguilla Correspondent, “Child Protection Protocols come under the Microscope.”

⁶³⁸⁵ U.S. Embassy- London, *reporting*, December 9, 2010.

British Virgin Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Virgin Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Labor Code of 2010 is 16, and children younger than age 18 are prohibited from hazardous work.⁶³⁸⁶ Children between ages 16 and 18 must have sufficient training and supervision when operating heavy machinery, and all children younger than age 18 are prohibited from night work.⁶³⁸⁷ The code also provides for the removal and rehabilitation of children subjected to the worst forms of child labor and makes the offense punishable with a fine, holding both the employer and the child’s parent or guardian liable.⁶³⁸⁸ The Constitution prohibits slavery and forced

labor.⁶³⁸⁹ Under the Criminal Code (Amendment) Act, 2007, trafficking in minors and enslaving or bonding children are illegal. The code also prohibits the production, publication or possession of child pornography.⁶³⁹⁰

Education is free and compulsory to age 16.⁶³⁹¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Commissioner of Labor may appoint inspectors to enforce the provisions of the Labor Code.⁶³⁹² Research found no information about enforcement of the worst forms of child labor provisions in the Criminal Code.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶³⁸⁶ Government of the British Virgin Islands, *Labour Code*, (2010), articles 3, 128, 130; available from http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf.

⁶³⁸⁷ *Ibid.*, articles 3, 128, 130, 146.

⁶³⁸⁸ *Ibid.*, articles 129-130.

⁶³⁸⁹ Government of the British Virgin Islands, *The Virgin Islands Constitution Order 2007*, (June 15, 2007), articles 14; available from <http://www.businessbvi.com/articles/the-virgin-islands-constitution-order-2007/>.

⁶³⁹⁰ Government of the British Virgin Islands, *Criminal Code (Amendment) Act, 2007*, (February 8, 2007), articles 201A, 248A; available from <http://www.bvigazette.org/>

extrafile/G00029_Criminal%20Code%20(Amendment)%20Act,%202007.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports: United Kingdom and Northern Ireland*, 188. See also Government of the British Virgin Islands, *Labour Code*, articles 2, 130.

⁶³⁹¹ Government of the United Kingdom of Great Britain and Northern Ireland, *Education Act 1996*. See also U.S. Embassy- London official, E-mail communication to USDOL official, April 1, 2011.

⁶³⁹² Government of the British Virgin Islands, *Labour Code*, articles 8-14.

Christmas Island and Cocos (Keeling) Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children on Christmas Island and the Cocos (Keeling) Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Christmas Island and the Cocos (Keeling) Islands are subject to the child labor laws of the State of Western Australia.⁶³⁹³ The Western Australia Children and Community Services Act 2004 prohibits the employment of children younger than age 15 in a business, trade or for-profit occupation.⁶³⁹⁴ Child prostitution is prohibited under the Prostitution Act of 2000.⁶³⁹⁵ Both the Children and Community Services Act and the Criminal Code proscribe the possession, production and distribution of child pornography.⁶³⁹⁶

Slavery is illegal under the federally enacted Slavery and Sexual Servitude Act 1999.⁶³⁹⁷ The Commonwealth Criminal Code prohibits trafficking in persons and debt bondage.⁶³⁹⁸ Defense of Christmas Island and the Cocos

(Keeling) Islands is the responsibility of Australia, which has a voluntary recruitment age of 17.⁶³⁹⁹

Public education is free and education is compulsory to age 17.⁶⁴⁰⁰

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

The Western Australia Division of the Department of Consumer and Employment Protection (DOCEP) investigates and enforces laws related to the employment of children.⁶⁴⁰¹ The Australian Federal Police enforce criminal laws related to the worst forms of child labor.⁶⁴⁰²

The Western Australia Department for Child Protection is responsible for investigating the commercial sexual exploitation of children, such as pornography, sometimes with cooperation from the Western Australia Police and the Labor Relations Division of the DOCEP.⁶⁴⁰³ The Western Australia state police force has primary responsibility for investigating and prosecuting allegations of slavery and sexual servitude.⁶⁴⁰⁴

The Federal Department of Immigration and Multicultural Affairs and the Australian Federal Police have jurisdiction in trafficking matters.⁶⁴⁰⁵ The Australian Federal Police's Human Trafficking Teams investigate human trafficking for the purpose of transnational sexual and labor exploitation.⁶⁴⁰⁶ The Australian Federal Police's Child Protections Operations team monitors child sex tourism offenses and child pornography on the Internet.⁶⁴⁰⁷

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶³⁹³ U.S. Embassy- Canberra, *reporting, February 9, 2010*.

⁶³⁹⁴ Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 190; available from http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/.

⁶³⁹⁵ Government of Western Australia, *Prostitution Act 2000*, (July 29, 2000), articles 16-18; available from http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/.

⁶³⁹⁶ Government of Western Australia, *Children and Community Services Act 2004*, article 192. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also Government of Western Australia, *The Criminal Code Act 1995*, (1995), article 273.1; available from http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html. See also Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, December 2008, 3-4; available from http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_ReportsundertheConventionontheRightsoftheChild.

⁶³⁹⁷ Government of Australia, *Criminal Code Amendment (Slavery and Sexual Servitude Act)*, (September 21, 1999), articles 270.1-270.2; available from [http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/\\$file/10499.pdf](http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/$file/10499.pdf).

⁶³⁹⁸ Government of Western Australia, *Criminal Code*, division 271.

⁶³⁹⁹ Central Intelligence Agency, "Christmas Island," in *The World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kt.html>. See also Central Intelligence Agency, "Cocos (Keeling) Islands." See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers: Australia."

⁶⁴⁰⁰ U.S. Embassy- Canberra official, E-mail communication to USDOL official, March 31, 2011. See also Government of Western Australia, *School Education Act 1999*, (January 1, 2001); available from http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*.

⁶⁴⁰¹ ILO, *Country Baselines Under the ILO Declaration Annual Review (2000-2010): Australia*, 2010, 14; available from http://www.ilo.org/wcmsp5/groups/public/---ed_

[norm/---declaration/documents/publication/wcms_091263.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf).

⁶⁴⁰² U.S. Embassy- Canberra, *reporting, February 11, 2011*.

⁶⁴⁰³ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 20.

⁶⁴⁰⁴ USDOL Bureau of International Labor Affairs, *Australia Labor Rights Report*, June 8, 2004, 16; available from <http://www.dol.gov/ilab/media/reports/usfta/labor.pdf>.

⁶⁴⁰⁵ *Ibid.*, 19.

⁶⁴⁰⁶ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also U.S. Embassy- Canberra official, E-mail communication to USDOL official, July 13, 2011.

⁶⁴⁰⁷ Government of Australia, *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, 5-6.

Cook Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are engaged in the worst forms of child labor, specifically in commercial sexual exploitation.⁶⁴⁰⁸ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws and also follow some of the laws of New Zealand and the United Kingdom.⁶⁴⁰⁹ The New Zealand Industrial and Labor Ordinance 1964 prohibits children younger than age 16 from working in factories without permission from the Industrial Relations Officer. The law prohibits children younger than age 18 from any work that the Industrial Relations Officer deems dangerous. Children younger than age 18 may not work

with factory machines without knowledge of the dangers, precautions to be taken and sufficient training or supervision.⁶⁴¹⁰ Information on minimum age laws in other enterprises was not identified.

Forced and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.⁶⁴¹¹ Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act 2004, but it is not clear that internal trafficking is addressed in the act.⁶⁴¹² There are no armed forces in the Cook Islands.⁶⁴¹³

The Cook Islands Crimes Act of 1969 prohibits prostitution. Brothel-keeping, living on the earnings of the prostitution of another person and procuring a girl to have sex with a man who is not her husband are illegal, as are selling, distributing or otherwise exhibiting indecent documents.⁶⁴¹⁴ The prostitution of boys is not specifically addressed under the law.

Education is compulsory to age 15.⁶⁴¹⁵ The Government provides free primary and secondary schooling.⁶⁴¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Cook Islands have established a coordinating mechanism to address the commercial sexual exploitation of children.

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the Cook Islands. There are several agencies that participate in protecting children from commercial sexual exploitation. The Ministry of Internal Affairs, which includes the Child and Family Services Division, is responsible for all matters relating to children and families.⁶⁴¹⁷ The Chief Censor has some responsibility for issues of pornography.⁶⁴¹⁸ The Ministries of Tourism, Culture, Education, Foreign Affairs, Health, and Justice and the police also play roles in protecting children.⁶⁴¹⁹ Research found no evidence that the Government maintains and publically releases information on the number of investigations, violations and prosecutions involving commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Government, civil society organizations and religious groups collaborated on the development of the National Plan of Action on Sexual Exploitation of Children: Protecting Our Future. Research did not find evidence of the completion, adoption or implementation of the plan.⁶⁴²⁰

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

Research found no evidence that the Government has established programs to address the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Cook Islands:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to address the commercial sexual exploitation of children.
- Monitor and make public information regarding investigations, violations and prosecutions involving commercial sexual exploitation of children.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children to guide the development of policies to address the problem.
- Adopt and implement the National Plan of Action on Sexual Exploitation of Children.

IN THE AREA OF PROGRAMS:

- Establish social programs to address the commercial sexual exploitation of children.

⁶⁴⁰⁸ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 2009, 11-14; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf.

⁶⁴⁰⁹ Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws*, [online] [cited May 24, 2011]; available from <http://www.pacii.org/databases.html#CK>.

⁶⁴¹⁰ Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), articles 52-53; available from http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/.

⁶⁴¹¹ Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance 1960*, (1960); available from http://www.pacii.org/ck/legis/num_act/pofoclo1960503/. See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1969*, (1969); available from http://www.pacii.org/ck/legis/num_act/pofocloaa1969604/. See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1971-72*, (1972); available from http://www.pacii.org/ck/legis/num_act/pofocloaa19711972604/.

⁶⁴¹² Government of Cook Islands, *Crimes Amendment Act 2004*, (June 1, 2004), articles 109 H-I; available from www.pacii.org/ck/legis/num_act/caa2004162/. See also ECPAT

International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 26.

⁶⁴¹³ Coalition to Stop the Use of Child Soldiers, "Pacific Islands."

⁶⁴¹⁴ Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 138, 160-163; available from http://www.pacii.org/ck/legis/num_act/ca196982/. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 24.

⁶⁴¹⁵ Charts Bin, *Ending Age of Compulsory Education Around the World -- Cook Islands*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>. See also Government of the Cook Islands, *The Cook Islands*, [online] [cited April 26, 2011]; available from <http://www.cook-islands.gov.ck/cook-islands.php>.

⁶⁴¹⁶ Government of the Cook Islands, *The Cook Islands*.

⁶⁴¹⁷ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

⁶⁴¹⁸ Ibid.

⁶⁴¹⁹ Ibid.

⁶⁴²⁰ Ibid., 14-15.

Falkland Islands (Islas Malvinas)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children younger than age 16. It also is illegal to employ children of compulsory school age during school hours if the work may harm their health, safety or morals or if the work involves lifting, carrying or moving anything that may injure them.⁶⁴²¹ The Employment of Women, Young Persons and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological or sexual abuse, work that is underground, underwater, at dangerous heights or in confined spaces, or work that requires the use of dangerous machinery, equipment or tools without training and supervision. Children younger than age 18, including those who have completed compulsory schooling, may not work at night in any industry.⁶⁴²²

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.⁶⁴²³ Under the United Kingdom's Sexual Offenses Act 2003, children younger than age 13 are not legally capable of consenting to any form of sexual activity. The act also prohibits trafficking in persons for the purpose of sexual exploitation.⁶⁴²⁴ Purchasing a child for sexual services and causing, controlling, arranging or facilitating child prostitution or pornography are also illegal.⁶⁴²⁵

The Education Amendment Ordinance of 2008 makes education free and compulsory to age 16.⁶⁴²⁶

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴²¹ U.S. Embassy- London, *reporting, January 16, 2009*. See also UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories and the Isle of Man; Response to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/4)*, United Nations, 2008, 18; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q4.Add.2.doc>.

⁶⁴²² U.S. Embassy- London, *reporting, January 16, 2009*.

⁶⁴²³ Government of the United Kingdom of Great Britain and Northern Ireland, *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, (November 5, 2008), article 4; available from <http://www.falklands.gov.fk/assembly/documents/The%20Falkland%20Islands%20Constitution%20Order%202008.pdf>.

⁶⁴²⁴ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-9, 57-59; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

⁶⁴²⁵ *Ibid.*, articles 45, 47, 48-50.

⁶⁴²⁶ UN Committee on the Rights of the Child, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 19. See also Government of the Falkland Islands, *Education*, [online] [cited April 26, 2011]; available from <http://www.falklands.gov.fk/Education.html>.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are engaged in the worst forms of child labor.⁶⁴²⁷

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.⁶⁴²⁸ According to the British Child and Young Person's Act 1933, a child can start working part-time at age 14 and full-time at the end of the school year in which the child will be age 16.

Trafficking is prohibited by the Asylum and Immigration Act 2004.⁶⁴²⁹ The Sexual Offenses Act of 2003 protects children from prostitution, pornography and trafficking for sexual purposes.⁶⁴³⁰ The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.⁶⁴³¹

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.⁶⁴³² Prostitution of girls and child pornography are illegal.⁶⁴³³ The prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.⁶⁴³⁴ There is no evidence of comprehensive laws against trafficking in Gibraltar.

Education is compulsory to age 15. Primary education is free to all residents of Gibraltar.⁶⁴³⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the continued prevention of the worst forms of child labor in Gibraltar:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Raise the minimum age for military recruitment to 18.

⁶⁴²⁷ U.S. Embassy- London, *reporting*, February 22, 2010.

⁶⁴²⁸ U.S. Embassy- London, *reporting*, January 16, 2009.

⁶⁴²⁹ Government of the United Kingdom of Great Britain and Northern Ireland, *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*, (July 22, 2004), article 4; available from http://www.opsi.gov.uk/acts/acts2004/ukpga_20040019_en_1#pb1-11g4.

⁶⁴³⁰ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-15, 45-60, 72, *ibid*.

⁶⁴³¹ Government of the United Kingdom of Great Britain and Northern Ireland, *Coroners and Justice Act 2009*, (November 12, 2009), article 71; available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&title=coroners+and+justice&Year=2009&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=3637639&ActiveTextDocId=3637640&filesize=1425>.

⁶⁴³² Government of Gibraltar, *The Gibraltar Constitution Order 2006*, (December 14, 2006), article 4; available from http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf.

⁶⁴³³ Government of Gibraltar, *Criminal Offences Act*, (September 1, 1960), articles 121-123, 127-128, 131-132; available from http://www.gibraltarlaws.gov.gi/full_index.php. See also Government of Gibraltar, *Crimes (Indecent Photographs with Children) Act 2009*, (October 29, 2009), articles 2-3; available from <http://www.gibraltarlaws.gov.gi/articles/2009-40o.pdf>.

⁶⁴³⁴ Central Intelligence Agency, “Gibraltar.”

⁶⁴³⁵ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, United Nations, New York, February 14, 2008, paras 583-584; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.

Montserrat

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is limited evidence that some children in Montserrat are engaged in commercial sexual exploitation in exchange for money and material goods.⁶⁴³⁶ Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Montserrat Employment Act is 14. Children younger than age 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.⁶⁴³⁷

The Montserrat Penal Code prohibits the prostitution of girls.⁶⁴³⁸ The prostitution of boys is not specifically prohibited under the law.

Pornography is also illegal.⁶⁴³⁹ The Constitution of Montserrat prohibits slavery and forced labor.⁶⁴⁴⁰ Abduction and kidnapping are punishable under the Penal Code and may be used to prosecute traffickers.⁶⁴⁴¹

The Education Act of 2004 makes education compulsory to age 16. The Government provides free education from nursery through secondary school.⁶⁴⁴²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Montserrat has established coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the commercial sexual exploitation of children in Montserrat.

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

The Government of Montserrat participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom’s Department for International Development. Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children’s health and safety.⁶⁴⁴³ The question of whether SCOT has an impact on child labor, particularly commercial sexual exploitation, does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montserrat:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop coordination and enforcement mechanisms to address the commercial sexual exploitation of children.

IN THE AREA OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children to establish policies to address the problem.

IN THE AREA OF PROGRAMS:

- Assess the impact SCOT may have on addressing child labor, particularly commercial sexual exploitation.

⁶⁴³⁶ Jones and Jemmott, *Child Sexual Abuse in the Eastern Caribbean*, 198-199, 204.

⁶⁴³⁷ Government of Montserrat, *Employment Act*, article 4(1); available from http://labour.gov.ms/publications/Employment_Act.pdf, Government of Montserrat, *Employment Act*, (January 1, 2002); available from http://labour.gov.ms/publications/Employment_Act.pdf.

⁶⁴³⁸ Government of Montserrat, *Penal Code*, (January 1, 2008), articles 116, 125, 129; available from http://agc.gov.ms/wp-content/uploads/2010/02/penal_code.pdf.

⁶⁴³⁹ *Ibid.*, article 291.

⁶⁴⁴⁰ Government of Montserrat, *The Montserrat Constitution Order 1989*, (January 8, 1990), article 55; available from <http://www.legislation.gov.uk/ukxi/1989/2401/contents/made>.

⁶⁴⁴¹ Government of Montserrat, *Penal Code*, articles 195-197.

⁶⁴⁴² UN Committee on the Rights of the Child, *Consideration of Reports: United Kingdom and Northern Ireland*. See also UNESCO, *EFA Global Monitoring Report*.

⁶⁴⁴³ U.S. Embassy- London, *reporting*, December 9, 2010.

Niue

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Niue are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

Information on minimum age laws was not identified. Trafficking in persons is a specific offense in Niue.⁶⁴⁴⁴ There is no military in Niue as defense is the responsibility of New Zealand.⁶⁴⁴⁵

Education in Niue is compulsory to age 16.⁶⁴⁴⁶ Research did not find complete information on the question of whether education is free.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁴⁴ UNODC, “Pacific Islands,” in *Global Report on Trafficking in Persons*, Vienna, February 2009; available from <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>.

⁶⁴⁴⁵ Central Intelligence Agency, “Niue.”

⁶⁴⁴⁶ Charts Bin, *Ending Age of Compulsory Education Around the World -- Niue*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>.

Norfolk Island

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children on Norfolk Island are engaged in the worst forms of child labor.⁶⁴⁴⁷

Laws and Regulations on the Worst Forms of Child Labor

There is no minimum age for employment on Norfolk Island but children younger than age 15 are subject to limitations under the Employment Act 1988.⁶⁴⁴⁸ Children younger than age 15 may not work more than 20 hours a week, at night, or during school hours.⁶⁴⁴⁹ Parental consent and written agreement is required to employ persons younger than age 18.⁶⁴⁵⁰ Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor.

The federally enacted Commonwealth Criminal Code Act 1995 of Australia, which applies to Norfolk Island, criminalizes all forms of slavery and forced labor, trafficking in children, forced prostitution and child pornography. The Norfolk Island Criminal Code Act 2007 prohibits sexual servitude, child pornography and the provision

of a controlled substance to children for sale or distribution.⁶⁴⁵¹ The Criminal Law Amendment Act of 1993 makes it illegal to employ a person younger than age 16 for the purposes of prostitution.⁶⁴⁵²

The Criminal Code Act of 1995 of Australia prohibits military conscription or enlistment of children younger than age 15.⁶⁴⁵³

Public education is free.⁶⁴⁵⁴ The Norfolk Island Education Act makes education compulsory to age 15.⁶⁴⁵⁵

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

The Australian Federal Police’s Human Trafficking Teams investigate human trafficking, including trafficking of children, for the purpose of transnational sexual and labor exploitation.⁶⁴⁵⁶ The Australian Federal Police’s Child Protections Operations Team monitors child sexual exploitation on the Internet.⁶⁴⁵⁷

Employment inspectors and child welfare officers monitor the employment of young workers and take action accordingly.⁶⁴⁵⁸ The Australian Federal Police enforce criminal laws related to the worst forms of child labor.⁶⁴⁵⁹

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor in Norfolk Island.

Based on the reporting above, the following actions would advance the continued prevention of the worst forms of child labor in Norfolk Island:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a legal minimum age for employment.
- Establish laws to prohibit children younger than age 18 from engaging in hazardous work.
- Amend the Criminal Code Act to—
 - Protect all children younger than age 18 from being employed in prostitution.
 - Raise the minimum age for military recruitment to 18.

⁶⁴⁴⁷ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

⁶⁴⁴⁸ Ibid.

⁶⁴⁴⁹ Ibid.

⁶⁴⁵⁰ Ibid.

⁶⁴⁵¹ Ibid.

⁶⁴⁵² Ibid.

⁶⁴⁵³ U.S. Embassy- Canberra, *reporting, January 21, 2009.*

⁶⁴⁵⁴ U.S. Embassy- Canberra official, E-mail communication, March 31, 2011.

⁶⁴⁵⁵ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

⁶⁴⁵⁶ Ibid.

⁶⁴⁵⁷ Ibid.

⁶⁴⁵⁸ U.S. Embassy- Canberra, *reporting, February 9, 2010.*

⁶⁴⁵⁹ U.S. Embassy- Canberra, *reporting, February 11, 2011.*

Saint Helena, Ascension and Tristan da Cunha (formerly called Saint Helena)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Saint Helena and its dependencies, Ascension and Tristan da Cunha, are engaged in the worst forms of child labor.⁶⁴⁶⁰

Laws and Regulations on the Worst Forms of Child Labor

There is very little information on the laws and regulations against the worst forms of child labor in Saint Helena and its dependencies. The Constitution prohibits slavery and forced labor.⁶⁴⁶¹

In Saint Helena and Tristan da Cunha, the Education Ordinance makes education free and compulsory to age 15. In Ascension, education is compulsory to age 16.⁶⁴⁶²

Institutional Mechanisms of Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The Department for Employment and Social Security is responsible for employment issues.⁶⁴⁶³

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

The Government participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development.

Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety.⁶⁴⁶⁴

⁶⁴⁶⁰ The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009 granted a new Constitution to and change the name of the Territory as of September 1, 2009.

⁶⁴⁶¹ Government of the United Kingdom of Great Britain and Northern Ireland, *The St. Helena, Ascension and Tristan da Cunha Constitution Order 2009*, (September 1, 2009), article 8; available from <http://www.legislation.gov.uk/uksi/2009/1751/made/data.pdf>.

⁶⁴⁶² UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial reports of States parties due in 1996 - Overseas dependent territories and crown dependencies of the United Kingdom of Great Britain and Northern Ireland*, February 22, 2000, paras 366, 408, 443.

⁶⁴⁶³ UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights - Fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, 131.

⁶⁴⁶⁴ U.S. Embassy- London, *reporting, December 9, 2010*.

Tokelau

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Tokelau are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor⁶⁴⁶⁵

The Tokelau Crimes, Procedures and Evidence Rules 2003 prohibit prostitution and the possession, sale or exhibition of pornography.⁶⁴⁶⁶ New Zealand legislation does not apply to Tokelau unless expressly extended with Tokelauan consent. Evidence that laws from New Zealand against the

worst forms of child labor have been extended to Tokelau was not obtained.

Research did not find complete information on the question of whether education is free and compulsory.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁶⁵ Certain British and New Zealand Acts of Parliament, Rules of the Tokelau General Fono, and British Common Law as at January 14, 1840 apply in Tokelau. New Zealand legislation does not apply to Tokelau unless it is expressly extended to the Territory. It is unclear whether the New Zealand 64 apply to Tokelau. Government of New Zealand, *Implementation of the International Covenant on Economic, Social and Cultural Rights; Third Periodic Report Submitted by States Parties Under Articles 16 and 17 of the Covenant - New Zealand*, UN Committee on Economic, Social and Cultural Rights, 2008; available from <http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf>.

⁶⁴⁶⁶ Government of Tokelau, *Tokelau Crimes, Procedures, and Evidence Rules 2003*, (2003), articles 25, 39; available from http://www.paclii.org/tk/legis/num_act/cpaer2003302/.

Turks and Caicos Islands⁶⁴⁶⁷

Prevalence and Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Turks and Caicos Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in the Turks and Caicos Islands is 16. Children younger than age 16 may be employed with the written consent of a parent or guardian.⁶⁴⁶⁸ Slavery and forced labor are prohibited by the Constitution.⁶⁴⁶⁹

Education is compulsory to age 16.⁶⁴⁷⁰ Research did not find complete information on the question of whether education is free.

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

The Government of the Turks and Caicos Islands participates in Safeguarding Children in the Overseas Territories (SCOT), a program sponsored by the United Kingdom's Department for International Development. Through SCOT, participating governments receive capacity building and advisory support to implement policies, procedures and best practices to ensure children's health and safety.⁶⁴⁷¹

⁶⁴⁶⁷ Turks and Caicos is typically internally self-ruled, but corruption charges levied against its political leadership caused the British Government to suspend the Government of Turks and Caicos Islands and its legislature in August 2009. A London-appointed governor will lead the Territory until otherwise determined. Government of the United Kingdom of Great Britain and Northern Ireland, *Core Document Forming Part of the Reports of States Parties - Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland*, UN International Human Rights Instruments, July 13, 2001, 82; available from <http://www2.ohchr.org/english/bodies/cescr/docs/HRI.CORE.1.Add.62.Rev.1.pdf>. See also Associated Press, "Turks and Caicos: Britain Takes Over Government," *New York Times*, August 15, 2009; available from <http://www.nytimes.com/2009/08/15/world/americas/15web-briefs-Turkscaicos.html>.

⁶⁴⁶⁸ Government of Turks and Caicos, *Turks and Caicos Islands Employment Ordinance 2004*, (October 26, 2004); available from <http://www.misickstanbrook.tc/articles/ordinances/Employment%20Ordinance/Employment%20Ordinance%202004.pdf>.

⁶⁴⁶⁹ Government of Turks and Caicos Islands, *The Turks and Caicos Constitution Order 2006*, (August 9, 2006); available from <http://www.misickstanbrook.tc/articles/ordinances/Constitution%20of%20the%20Turks%20and%20Caicos%20Islands.pdf>.

⁶⁴⁷⁰ Charts Bin, *Ending Age of Compulsory Education Around the World -- Turks and Caicos*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qqp>.

⁶⁴⁷¹ U.S. Embassy- London, *reporting, December 9, 2010*.

Wallis and Futuna

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Wallis and Futuna Islands are engaged in the worst forms of child labor.⁶⁴⁷²

Laws and Regulations on the Worst Forms of Child Labor

French law applies in Wallis and Futuna.⁶⁴⁷³ As such, the French Labor and Penal Codes detailed herein extend to its territory of Wallis and Futuna.

The French Labor Code prohibits employment for persons younger than age 16, with some exceptions for apprenticeships and other alternative education programs, light work during holidays and work within the entertainment industry.⁶⁴⁷⁴ Minors younger than age 18 are prohibited from certain dangerous jobs and are prohibited from working more than 7 hours a day or 35 hours a week.⁶⁴⁷⁵ The Ministry of Interior of France states that the law on child labor is respected and enforced in Wallis and Futuna.⁶⁴⁷⁶

The French Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.⁶⁴⁷⁷ Procuring and prostituting a child is prohibited under France's Penal Code; such offenses also carry appropriate penalties.⁶⁴⁷⁸

Under the French Penal Code, it is unlawful to take, record or send a pornographic image of a minor with the intention of circulation. Such a crime carries appropriate penalties, as does the crime of distributing a pornographic image of a minor through import or export.⁶⁴⁷⁹

According to the French Code of Defense, persons younger than age 17 are prohibited from admittance into the French Armed Forces, although admittance to military schools is allowed at age 16.⁶⁴⁸⁰

Education is free and compulsory to age 16.⁶⁴⁸¹

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

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

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

⁶⁴⁷² U.S. Embassy- Paris, *reporting*, December 10, 2010.

⁶⁴⁷³ Australian Government- Department of Foreign Affairs and Trade, *Wallis and Futuna country brief*, [online] 2010 [cited September 27, 2010]; available from http://www.dfat.gov.au/geo/wallis_futuna/wallisfutuna_brief.html.

⁶⁴⁷⁴ U.S. Embassy- Paris, *reporting*, January 6, 2009. See also Government of France, *Code du Travail*, (May 2008), article L4153-1, L6222-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006072050&dateTexte=20100928 <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018511175&dateTexte=20110524>. See also Library of Congress, *Children's Rights: France*, [online] 2010 [cited September 28, 2010]; available from <http://www.loc.gov/law/help/child-rights/france.php>.

⁶⁴⁷⁵ Government of France, *Code du Travail*, R-234-6. See also Library of Congress, *Children's Rights: France*.

⁶⁴⁷⁶ U.S. Embassy- Paris, *reporting*, January 6, 2009.

⁶⁴⁷⁷ Library of Congress, *Children's Rights: France*.

⁶⁴⁷⁸ Ibid. See also U.S. Department of State, "France," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154424.htm>.

⁶⁴⁷⁹ Government of France, *Code Penal*, (June 1998), articles 227-23; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.

⁶⁴⁸⁰ Library of Congress, *Children's Rights: France*. See also Government of France, *Code de la défense*, (March 2007), article L4132-1; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006071307&dateTexte=20100929.

⁶⁴⁸¹ Encyclopedia.com, *Wallis and Futuna Islands*, [online] [cited April 26, 2011]; available from http://www.encyclopedia.com/topic/Wallis_and_Futuna_Islands.aspx#3.

West Bank and Gaza Strip (Occupied Territories Subject to the Jurisdiction of the Palestinian Authority)

During the reporting period the Palestinian Authority continued to implement social programs to address and prevent child labor. However political conditions and a lack of resources for enforcement prevented the Palestinian Authority from adequately protecting children in Gaza and other areas. Children continued to engage in hazardous work such as street vending and agriculture.

Statistics on Working Children and School Attendance

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

Prevalence and Distribution of the Worst Forms of Child Labor

Children in the West Bank and Gaza Strip are engaged in the worst forms of child labor, many of them in dangerous work in street vending and agriculture.⁶⁴⁸² Many help to cultivate dates.⁶⁴⁸³ Such work exposes children to risks including using dangerous machinery and tools, applying harmful pesticides and carrying heavy loads. Children in the Occupied Territories collect pebbles and gravel for construction purposes.⁶⁴⁸⁴ This work requires heavy lifting and often takes place in dangerous areas that put children in the middle of ongoing conflict.⁶⁴⁸⁵

Children also work as street vendors and porters, in which they are vulnerable to harassment and assault and may be required to carry heavy loads

and spend long hours standing in traffic and the sun, often without food or water.⁶⁴⁸⁶ Some children work in auto body shops, in which they are exposed to unsafe tools and machinery.⁶⁴⁸⁷ Children also collect metals and other salvageable materials from garbage dumps, exposing them to potentially harmful and unsanitary materials.⁶⁴⁸⁸ Some children also work in mining, manufacturing and construction.⁶⁴⁸⁹






Some Palestinian children cross into Israel and Israeli settlements in the West Bank to work.⁶⁴⁹⁰ Children traveling to and working in Israeli settlements may be subject to exploitation and harassment.⁶⁴⁹¹

Children are reportedly recruited for use in armed conflict as human shields and informants. Some child informants have been tortured.⁶⁴⁹² Children thought to have collaborated with Israeli authorities may be subject to retaliation.⁶⁴⁹³

Children also work inside underground tunnels that run between the Gaza Strip and Egypt, smuggling food and other goods, digging and laying wire for electricity and pipelines to smuggle fuel.⁶⁴⁹⁴ Some children may work up to 10 hours at a time in the tunnels with only a very short break.⁶⁴⁹⁵ Many children use stimulant drugs to lessen pain and increase stamina during long shifts in the tunnels. Some Palestinian children have died in the tunnels as a result of attacks and efforts to block the smuggling.⁶⁴⁹⁶

Laws and Regulations on the Worst Forms of Child Labor

The Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 (PCL) prohibit the employment of any person younger than age of 15. The former also requires children between ages 15 and 18 to receive medical examinations every six months while working.⁶⁴⁹⁷ The Labor Law limits working hours for juveniles, requires an hour break and prohibits children working more than four successive hours per day.⁶⁴⁹⁸

	C138, Minimum Age	n/a
	C182, Worst Forms of Child Labor	n/a
	CRC	n/a
	CRC Optional Protocol on Armed Conflict	n/a
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	n/a
	Palermo Protocol on Trafficking in Persons	n/a
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15/No
	Free Public Education	No

The Labor Law prohibits children younger than age 18 from being employed in industries identified by the Minister of Labor (MOL) as dangerous or unhealthy as well as from working night shifts, overtime, piece work and employment away from their communities.⁶⁴⁹⁹ Research could not identify specific industries or activities deemed dangerous or unhealthy by the MOL. The law also creates exceptions for children who work for and are directly supervised by relatives as long as the work does not negatively impact the mental and physical development of the child or the child's education.⁶⁵⁰⁰

The PCL prohibits the exploitation of children in any work that is against the law, hinders a child's education or is harmful to his or her health, physical or moral safety.⁶⁵⁰¹ The PCL specifically prohibits the use of children in drug and alcohol-related industries, the publication, circulation or possession of child pornography and the use of children in armed conflicts.⁶⁵⁰² Prostitution is illegal.⁶⁵⁰³

There are no specific laws prohibiting forced labor in the West Bank and Gaza.⁶⁵⁰⁴

Article 37 of the PCL states that all children have the right to complete their secondary education. It requires the government to take action to retain student attendance, eliminate discrimination and promote the dignity of students.⁶⁵⁰⁵ Education is compulsory for 10 years. Children start school on average around the age of 6, which means that Palestinian children should be in school until approximately age 16.⁶⁵⁰⁶ The Palestinian education system offers two additional years of schooling but attendance for those last two years is not required by law.⁶⁵⁰⁷ The Jordanian Education Law No. 16 of 1964 is the reigning education law in the West Bank. Article 10 of this law makes education compulsory from ages 6 to 15, regardless of grade.⁶⁵⁰⁸ The British Mandate Education Law of 1933 takes precedence in the Gaza Strip, and contains no mention of compulsory education. No unified and comprehensive education law exists for all Palestinian Occupied Territories.⁶⁵⁰⁹

Furthermore, West Bank and Gaza suffer from a lack of adequate schools. Children must travel long and often dangerous distances to attend schools that can be poorly equipped, and unhygienic.⁶⁵¹⁰

The West Bank and Gaza do not have a regular military force.⁶⁵¹¹ Recruitment for government service, including security services, is voluntary beginning at age 18.⁶⁵¹²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established a coordinating mechanism to combat the worst forms of child labor in the West Bank and Gaza. MOL's Inspection and Protection Administration is responsible for enforcing child labor laws.⁶⁵¹³ During the reporting period, the MOL employed 45 labor inspectors, five of which are specifically assigned to monitoring child labor

conditions.⁶⁵¹⁴ Government officials describe MOL as understaffed and in need of at least 150 labor inspectors in order to cover most of the private establishments where children often work.⁶⁵¹⁵ Furthermore, during the reporting period, the Palestinian Authority was only able to conduct investigations in the West Bank because of Hamas's control of Gaza since 2007.⁶⁵¹⁶ No current or reliable data was found on the precise number of investigations conducted or violations reported during the reporting period.

MOL officials state that there are no enforceable laws to monitor and protect Palestinian children working in Israeli settlements. There are no Israeli inspectors in the Israeli settlements in West Bank and industrial zones.⁶⁵¹⁷

Palestinian Authority law requires the MOL to investigate suspected cases of children recruited for armed conflict and mandates trial of those responsible in court.⁶⁵¹⁸

The Child Protection Department within the Ministry of Social Affairs (MOSA) is responsible for preventing the abuse and sexual exploitation of children as well as providing assistance to victims of such maltreatment. During the reporting period, MOSA began an initiative to register all employed youth in an effort to improve the monitoring of working conditions.⁶⁵¹⁹ In cooperation with the local police force, MOSA Child Protection Officers are responsible for the investigation of cases of sexual exploitation. The ministry employs fewer than 13 child protection social workers in the West Bank and 8 in Gaza.⁶⁵²⁰ Because of current political circumstances, these agents cannot monitor conditions in all areas in which Palestinian children are working.⁶⁵²¹ According to government officials, while the Child Protection Officers receive reports of both child labor and child abuse, they are burdened with too large of a case load, and too few resources to follow up on child labor violations.⁶⁵²²

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Palestinian Children 2004-2010 addresses many child protection issues. The Plan of Action includes a strategic goal to monitor all workplaces where children are employed.⁶⁵²³

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

The Palestinian Authority is currently working with UNICEF to examine matters of child labor including the means of monitoring child laborers and eliminating the illegal use of children.⁶⁵²⁴

The Ministry of Social Affairs (MOSA) provides child vocational centers for school dropouts and child protection programs to reduce the risk of economic exploitation of children.⁶⁵²⁵ Furthermore, families receiving social assistance through MOSA are monitored to ensure that their children remain in school and complete the mandated minimum education.⁶⁵²⁶ MOSA runs 13 vocational centers for drop outs and poor youth. During the reporting period the eight centers in the West Bank trained 400 youth and the five centers in Gaza trained 600 youth.⁶⁵²⁷ Of the 1,460 child laborers registered with MOSA in 2010, 379 are receiving assistance through the MOSA centers.⁶⁵²⁸ A report published in 2010, by Save the Children and funded by the Palestinian Authority has criticized these programs, alleging that they are outdated, poorly resourced and ineffective.⁶⁵²⁹

There is one help line service available for children in the occupied Palestinian territories. The free Palestinian Child Protection Helpline 121 is part of Child Helpline International, a network of child helplines, and aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.⁶⁵³⁰ Save the Children Sweden provides funding for the hotline.⁶⁵³¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in West Bank and Gaza:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact legislation that specifically prohibits forced child labor.
- Identify the industries or activities that are deemed dangerous or unhealthy and are thus prohibited from employing youth.
- Take necessary steps to ensure education is free and compulsory in all occupied territories.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide adequate resources and staff to the MOL and MOSA for inspections of the worst forms of child labor.
- Collect and distribute data on the current inspection and enforcement of child labor laws.
- Explore ways to monitor and protect children in all areas of the Occupied Territories

IN THE AREA OF PROGRAMS:

- Allocate resources to and update the curriculum in programs offered by MOSA that address the worst forms of child labor.

⁶⁴⁸² Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. 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.

⁶⁴⁸³ Salwa Alenat, *Working for Survival: Labor conditions of Palestinians working in settlements*, [online] 2010 [cited January 2011]; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=3048 See also Check the Label, *Check the Label: Boycott Israeli Dates*, [Online] n.d. [cited January 2011]; available from <http://www.checkthelabel.org.uk/page3.html> See also Simone Korkus, “Child Labour in Jewish Settlements,” *Palestinian Workers*, December 11, 2008; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=2049 See also Report of the Director-General, *The Situation of Workers of the Occupied Arab Territories*, pursuant to International Labour Conference, 98th Session, 2009.

⁶⁴⁸⁴ U.S. Department of State, “Israel and Occupied Territories,” in *Country Reports on Human Rights Practices-2010*, Washington, D.C., 2011, section 6, 7; available from www.state.gov/documents/organization/160463.pdf. See also Defence for Children International/Palestine Section, *Urgent Appeal*, [online] December 29, 2010 [cited February 2011].

See also Gaza Gateway, *Children of the Gravel*, [online] 2010 [cited January 2011]; available from <http://www.gazagateway.org/2010/09/children-of-the-gravel/> See also Nasser Najjar, “Gaza Children Labour to Help Families,” *Gulf News*, December 19, 2010; available from <http://gulfnews.com/news/region/palestinian-territories/gaza-children-labour-to-help-families-1.732196> See also Save the Children UK, *Dying to Work in Gaza*, [online] 2010 [cited January 2011]; available from <http://www.savethechildren.org.uk/en/14693.htm> See also Siham Shamalakh, “Gaza Children Go to Work to Help Families,” *Xinhua General News Service*, November 2, 2010.

⁶⁴⁸⁵ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6 & 7. See also Defence for Children International/Palestine Section, *Urgent Appeal*. See also Gaza Gateway, *Children of the Gravel*. See also Najjar, “Gaza Children Labour to Help Families.” See also Save the Children UK, *Dying to Work in Gaza*. See also Shamalakh, “Gaza Children Go to Work to Help Families.”

⁶⁴⁸⁶ Integrated Regional Information Networks, “Israel-OPT: Poverty driving Palestinian children onto the streets,” IRINnews.org, [online], June 12, 2007 [cited January 26, 2011]; available from <http://www.irinnews.org/report.aspx?ReportId=72677>, U.S. Embassy- Jerusalem, *reporting*, June 2, 2010.

⁶⁴⁸⁷ UNICEF, *Growing poverty in Gaza pushing children to work*, Occasional Story, Gaza Strip, Occupied Palestinian Territory, July 22, 2009; available from http://www.unicef.org/infobycountry/oPt_50318.html. See also Najjar, “Gaza

Children Labour to Help Families.”

⁶⁴⁸⁸ Integrated Regional Information Networks, “Poverty Driving Palestinian Children Onto the Streets”.

⁶⁴⁸⁹ Ibid. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹⁰ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6, 7. See also Integrated Regional Information Networks, “Poverty Driving Palestinian Children Onto the Streets”. See also Education International, *Country Profile- Palestine*, June 12, 2007; available from http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Korkus, “Child Labour in Jewish Settlements.”

⁶⁴⁹¹ Korkus, “Child Labour in Jewish Settlements.” See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹² UN Convention on the Rights of the Child, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: Concluding Observations: Israel*, Geneva, January 29, 2010; available from <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf>. See also Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child*, Ramallah, April 20, 2005; available from www.child-soldiers.org/document/get?id=1019.

⁶⁴⁹³ Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Child collaborators in OPT*.

⁶⁴⁹⁴ U.S. Embassy- Jerusalem, *reporting*, February 10, 2011. See also U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories.” See also Iqbal Tamimi, “The Children of Gaza,” *Aljazeera.com*, [online], November 11, 2009 [cited February 17, 2010]; available from <http://www.aljazeera.com/news/print.php?newid=298503>. See also Patrick Moser, “OPT: Children Risk Their Lives in Gaza’s Blockade-Busting Tunnels,” *AFP*, [online], July 12, 2009 [cited February 2, 2010]; available from <http://www.google.com/hostednews/afp/article/ALeqM5hYZkIqgVlJw5s97PTU10UDj1yNcQ>. See also UN Office for the Coordination of Humanitarian Affairs-Occupied Palestinian Territory, *Locked in: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip*, August 2009; available from www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹⁵ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹⁶ Moser, “Children in Tunnels”. See also National Society for Democracy and Law, “National Society for Democracy and Law,” nsdl.org.ps, [online], November 15, 2009 [cited February 19, 2010]; available from <http://www.nsdl.org>.

ps/english/mainnenw1/new1.html. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁴⁹⁷ Law Library of Congress, *West Bank and Gaza: Child Labor Laws*, 2010-003857, The Law Library of Congress, Washington, DC, May 2010.

⁶⁴⁹⁸ Ibid. See also The Palestinian National Authority, *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory*, The Palestinian Central Bureau of Statistics and Save the Children UK, December 2010, pg 207; available from http://www.savethechildren.org.uk/en/docs/OPT_PNA_CRC_Report_English.pdf.

⁶⁴⁹⁹ Law Library of Congress, *West Bank and Gaza Laws*. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁵⁰⁰ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Law Library of Congress, *West Bank and Gaza Laws*.

⁶⁵⁰¹ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Authority Territory: A National Position Paper*, Jerusalem, June 2005; available from http://www.crin.org/docs/NPASEC_OPT_Child_Protection.pdf.

⁶⁵⁰² Law Library of Congress, *West Bank and Gaza Laws*. See also The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 211.

⁶⁵⁰³ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁶⁵⁰⁴ Law Library of Congress, *West Bank and Gaza Laws*.

⁶⁵⁰⁵ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg. 158-159.

⁶⁵⁰⁶ Susan Nicolai, “Education and Chronic Crisis in Palestine,” *Forced Migration Review*; available from <http://www.fmreview.org/FMRpdfs/EducationSupplement/16.pdf>.

⁶⁵⁰⁷ Ibid.

⁶⁵⁰⁸ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 159.

⁶⁵⁰⁹ Ibid.

⁶⁵¹⁰ UNICEF, *Palestinian Children Deprived of Basic Rights to Education*, [online] 2010 [cited February 11, 2011]; available from http://www.unicef.org/media/media_66025.html.

⁶⁵¹¹ Law Library of Congress, *West Bank and Gaza Laws*.

⁶⁵¹² Coalition to Stop the Use of Child Soldiers, “Occupied Palestinian Territory,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/occupied-palestinian-territory>.

⁶⁵¹³ Palestinian Economic Policy Institute, *Palestinian Labour Law No. 7 & Worker’s Rights*, Ramallah, May 2008; available from http://www.palst-jp.com/eg/pdf/inv/02/Palestinian_Labour_Law.pdf. See also U.S. Embassy- Jerusalem,

reporting, February 10, 2011.

⁶⁵¹⁴ 55 U.S. Department of State, “Country Reports-2010: Israel and Occupied Territories,” Sections 6,7. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010. See also The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 208. See also U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵¹⁵ U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵¹⁶ Ibid. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010.

⁶⁵¹⁷ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6, 7. See also U.S. Embassy- Jerusalem, reporting, June 2, 2010.

⁶⁵¹⁸ U.S. Embassy- Jerusalem, reporting, December 7, 2007.

⁶⁵¹⁹ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg. 208-211.

⁶⁵²⁰ Ibid., pg 209.

⁶⁵²¹ U.S. Department of State, “Country Reports- 2010: Israel and Occupied Territories,” Sections 6,7.

⁶⁵²² U.S. Embassy- Jerusalem, reporting, February 10, 2011.

⁶⁵²³ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.

⁶⁵²⁴ The Palestinian National Authority, *PNA Report on the Implementation of the Convention on the Rights of the Child*, pg 207.

⁶⁵²⁵ Ibid., pg 209.

⁶⁵²⁶ Ibid., pg 208.

⁶⁵²⁷ Ibid., pg 209.

⁶⁵²⁸ Ibid., pg 209.

⁶⁵²⁹ Ibid., pg 209.

⁶⁵³⁰ SAWA’s *Child Helpline Service 121: Expanding outreach to vulnerable children in oPt*, [online] February 2010 2010 [cited August 11, 2010]; available from <http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf>.

⁶⁵³¹ Ibid.

Western Sahara

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some evidence suggests that children in Western Sahara are engaged in the worst forms of child labor in agriculture.⁶⁵³² Children’s work in agriculture may involve dangerous activities, such as using dangerous machinery and tools, carrying heavy loads and applying harmful chemicals. Information about the nature and prevalence of the problem remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.⁶⁵³³ Part of the country is controlled by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (Polisario Front), a Sahrawi national liberation movement, and information on the laws applicable in this area is unavailable.

In the Moroccan-controlled territory, the minimum age for employment is 15, as established by the Labor Code of 2004. The Labor Code also limits the number of hours that children younger than age 16 can work.⁶⁵³⁴ However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.⁶⁵³⁵ Also, the Labor Code prohibits hazardous activities for children younger than age 18, although children working on family farms are not protected by the provisions of the Labor Code.⁶⁵³⁶ During the reporting period, the Ministry of Employment and Professional Training began to update its list of occupations that qualify as “hazardous work” for children.⁶⁵³⁷ The Labor Code does not apply to all businesses.⁶⁵³⁸

Forced or compulsory labor is prohibited under the Labor Code and Penal Code.⁶⁵³⁹ Although Morocco does not have a specific law against trafficking in persons, child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.⁶⁵⁴⁰

The age for voluntary recruitment to the military is 18. There is no compulsory military service.⁶⁵⁴¹

The commercial sexual exploitation of children, including pornography and prostitution, is prohibited under the Moroccan Penal Code. In addition, it is specifically prohibited under the Penal Code to incite, procure or facilitate the prostitution of a minor.⁶⁵⁴² Sex tourism is also criminalized under an amendment to the Penal Code.⁶⁵⁴³

According to Moroccan law, education is compulsory to age 15.⁶⁵⁴⁴ Based on the Moroccan model, education is free through university.⁶⁵⁴⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Western Sahara has established a coordinating

mechanism to combat the worst forms of child labor in agriculture.

The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.⁶⁵⁴⁷

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Morocco has established policies to combat the worst forms of child labor in Western Sahara.

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

Research found no evidence that the Government of Morocco has established programs to combat the worst forms of child labor in Western Sahara.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Western Sahara:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Code and provisions on hazardous labor to protect all children engaged in agriculture.
- Amend the Labor Code to apply to all employers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor in agriculture.

IN THE AREAS OF POLICIES:

- Collect, analyze and disseminate information regarding the prevalence and nature of the worst forms of child labor in agriculture to guide the development of policies to address the problem.

IN THE AREA OF PROGRAMS:

- Allocate resources to and update the curriculum in programs offered by MOSA that address the worst forms of child labor.

⁶⁵³² U.S. Department of State, “Country Reports- 2010: Western Sahara,” section 7d.

⁶⁵³³ Ibid.

⁶⁵³⁴ Government of Morocco, *Le nouveau code de travail*, Dahir n. 1-03-194 du 14 rejec 1424 (11 septembre 2003) portant promulgation de la loi n. 65-99 relative au Code du travail, (May 6, 2004), articles 143, 172; available from <http://www.maroc.ma/NR/rdonlyres/9A951844-BCA6-4468-9EFD-7460E229E00F/0/codedetravail.pdf>.

⁶⁵³⁵ Ibid., articles 172, 173.

⁶⁵³⁶ Ibid., articles 4, 179-181.

⁶⁵³⁷ U.S. Consulate- Casablanca, *reporting, February 1, 2010*, section 2B.1.

⁶⁵³⁸ Government of Morocco, *Le nouveau Code du travail*, article 4.

⁶⁵³⁹ Ibid., articles 10, 12. See also Government of Morocco, *Code Pénal*, 1-59-413, (November 26, 1962), article 467; available from http://www.wipo.int/wipolex/en/text.jsp?file_id=190447. See also U.S. Department of State, “Morocco (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, July 15, 2005, para 40; available from <http://www.unhcr.org/refworld/publisher,CRC,STATEPARTIESREP,MAR,43f305590,0.html>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Morocco (ratification: 2001) Published: 2010*, May 24, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11928&chapter=6&query=Morocco%40ref&highlight=&querytype=bool&context=0>.

⁶⁵⁴⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Morocco.” See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, para 23.

⁶⁵⁴¹ Coalition to Stop the Use of Child Soldiers, “Morocco and Western Sahara.”

⁶⁵⁴² Government of Morocco, *Code Pénal*, articles 497-499, 503. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - Initial Reports of States Parties Due in 2004: Morocco*, para 23-26.

⁶⁵⁴³ ILO Committee of Experts, *Individual Observation C182: Morocco (2010)*.

⁶⁵⁴⁴ Charts Bin, *Ending Age of Compulsory Education Around the World -- Morocco*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>.






⁶⁵⁴⁵ StateUniversity.com, *Western Sahara*, [online] [cited April 26, 2011]; available from <http://education.stateuniversity.com/pages/1684/Western-Sahara.html>.






⁶⁵⁴⁶ U.S. Department of State, “Country Reports- 2010: Western Sahara.”






⁶⁵⁴⁷ Central Intelligence Agency, “Pitcairn Islands.”

⁶⁵⁴⁸ U.S. Embassy- London official, E-mail communication, April 1, 2011.

Reports are not included for Heard Island, the McDonald Islands, the Pitcairn Islands or the British Indian Ocean Territories/Chagos Archipelago. The Heard and McDonald Islands are uninhabited, and the population of the Pitcairn Islands is less than 50 people.⁶⁵⁴⁷ The British Indian Ocean Territories is inhabited by U.S. and U.K. military personnel.⁶⁵⁴⁸

		Anguilla	British Indian Ocean Territory	British Virgin Islands	Christmas Island and Cocos (Keeling) Islands	Cook Islands
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	N/A	X
	CRC Optional Protocol on Armed Conflict	Unclear*	Unclear	Unclear	N/A	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	N/A	No
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	N/A	No
	Minimum Age for Work	14	16	16	15	None
	Minimum Age for Hazardous Work	None	None	18	None	None
	Compulsory Education Age	17	16	16	17	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

		Falkland Islands	Gibraltar	Montserrat	Niue	Norfolk Island
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	Unclear	X	X	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	Unclear	Unclear	No	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	Unclear	Unclear	No	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	Unclear	Unclear	No	N/A
	Minimum Age for Work	16	16	14	Unclear	None
	Minimum Age for Hazardous Work	Unclear	16	15	Unclear	None
	Compulsory Education Age	16	15	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

		St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	N/A
	CRC Optional Protocol on Armed Conflict	Unclear	N/A	Unclear	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	Unclear	N/A	Unclear	N/A	N/A
	Palermo Protocol on Trafficking in Persons	Unclear	N/A	Unclear	N/A	N/A
	Minimum Age for Work	Unclear	Unclear	16	16	15
	Minimum Age for Hazardous Work	Unclear	Unclear	None	18	18
	Compulsory Education Age	15/16 (Ascension only)	Unclear	16	16	15
	Free Public Education	Yes	Yes	Yes	Yes	Yes
* “Unclear” refers to cases in which research has not identified whether a non-independent country or territory is eligible for membership.						

