

In 2016, Vanuatu made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government adopted the Vanuatu National Child Protection Policy, which aims to protect children from the worst forms of child labor. However, there is evidence that children perform dangerous tasks in agriculture and engage in the worst forms of child labor, including in commercial sexual exploitation. Vanuatu's minimum ages of 12 for work and 15 for hazardous work are not in compliance with international standards. The Government has yet to pass the Employment Relations Bill of 2012 that prohibits the engagement of children under the age of 18 in hazardous work. In addition, Vanuatu does not have any social programs to address child labor, including its worst forms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Vanuatu perform dangerous tasks in agriculture and engage in the worst forms of child labor, including in commercial sexual exploitation.⁽¹⁾ Table 1 provides key indicators on children's work and education in Vanuatu. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		93.8

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2016.⁽²⁾

Data were unavailable from Understanding Children's Work Project's analysis, 2016.⁽³⁾

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

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

Sector/Industry	Activity
Agriculture	Forestry and farming, activities unknown (4)
Services	Street vending (4)
Categorical Worst Forms of Child Labor [‡]	Commercial sexual exploitation (1, 5)

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

There have been no national surveys of child labor in Vanuatu to determine the nature and prevalence of the problem.⁽⁶⁾



II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Vanuatu has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	
ILO C. 182, Worst Forms of Child Labor	✓

Table 3. Ratification of International Conventions on Child Labor (cont)

Convention	Ratification
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Vanuatu's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	14	Section 38 of the Employment Act (7)
Minimum Age for Hazardous Work	No	15	Section 40 of the Employment Act (7)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 40 of the Employment Act (7)
Prohibition of Forced Labor	No		Section 7 of the Employment Act; Section 102 of the Penal Code; Organized Crime Act (7-9)
Prohibition of Child Trafficking	Yes		Section 35 of the Counter Terrorism and Transnational Organized Crime Act (9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 101B, 101C, 101D, 147A, and 147B of the Penal Code (8)
Prohibition of Using Children in Illicit Activities	No		Section 35 of the Penal Code (8)
Minimum Age for Military Recruitment			
State Compulsory	N/A [†]		
State Voluntary	N/A [†]		
Non-state Compulsory	No		
Compulsory Education Age	No		
Free Public Education	No		Primary Education School Fee Grant Policy (10)

[†] No standing military (11)

As Vanuatu has not ratified ILO C.138, the minimum age of 14 years does not meet international standards.(7) The Employment Act permits children ages 12 and 13 to work in agricultural light work, but it does not specify the activities and hours per week that are allowed for work.(4, 7)

The Government has yet to pass the Employment Relations Bill of 2012 that prohibits the engagement of children under the age of 18 in hazardous work and has not determined by national law or regulation the types of hazardous work prohibited for children.(12) The minimum age of 15 for hazardous work is not in compliance with international standards, failing to protect children ages 16 and 17 from work that could jeopardize their health and safety.(7)

Laws related to forced labor are not sufficient, as debt bondage is not criminally prohibited.(4, 7, 8) In addition, the Penal Code does not include heightened penalties for inciting children to engage in criminal activities, including drug production and drug trafficking.(8) There is no compulsory age for education, and education is inaccessible for vast numbers of people who live in remote areas, which increase the risk of children's involvement in child labor.(12-14) Although it does not appear that there are any laws that provide free basic education, there is a policy that sufficiently provides for free basic education in government-owned schools for children in grades one to six.(10)

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

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor and Ministry of Justice	Enforce provisions set forth in the Employment Act, including child labor laws.(4)
Vanuatu Police Force	Enforce all criminal laws related to the worst forms of child labor.(4)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Vanuatu took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	0 (15)	Unknown
Number of Labor Inspectors	4 (5)	4 (16)
Inspectorate Authorized to Assess Penalties	Yes (5)	Unknown
Training for Labor Inspectors		
Initial Training for New Employees	No (5)	Yes (16)
Training on New Laws Related to Child Labor	N/A	Unknown
Refresher Courses Provided	No (5)	Unknown
Number of Labor Inspections	41 (5)	185 (16)
Number Conducted at Worksite	Unknown	185 (16)
Number Conducted by Desk Reviews	Unknown	85 (16)
Number of Child Labor Violations Found	Unknown	Unknown
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown	Unknown
Number of Penalties Imposed that Were Collected	Unknown	Unknown
Routine Inspections Conducted	Unknown	Yes (16)
Routine Inspections Targeted	Unknown	No (16)
Unannounced Inspections Permitted	Yes (5)	Yes (16)
Unannounced Inspections Conducted	Yes (5)	Yes (16)
Complaint Mechanism Exists	Unknown (5)	Yes (16)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown	Yes (16)

Criminal Law Enforcement

Research did not find information on whether criminal law enforcement agencies in Vanuatu took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown (5)	Unknown* (4)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (5)	Unknown (4)
Number of Investigations	Unknown (5)	Unknown* (4)
Number of Violations Found	Unknown (5)	Unknown* (4)
Number of Prosecutions Initiated	Unknown (5)	Unknown* (4)

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor (cont)

Overview of Criminal Law Enforcement	2015	2016
Number of Convictions	Unknown (5)	Unknown* (4)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (5)	Unknown (4)

* The Government does not publish this information.

Based on the most recent data available from 2012, the Vanuatu Police Force employs 50 investigators, who are responsible for enforcing laws against the worst forms of child labor.(6)

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

Although the Government has established a working group to combat the commercial sexual exploitation of children, research found no evidence that the working group functions as a coordinating mechanism to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Child Protection Working Group	Serve as the primary forum for experience exchange in child protection. Comprises representatives from the Government, UN agencies, civil society organizations, and NGOs.(4, 16, 17)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established a policy related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
Vanuatu National Child Protection Policy (2016–2026)†	Aims to create an environment that protects children from abuse, exploitation, human trafficking, neglect, and violence; provides children with equitable access to services to support reintegration and recovery when needed.(17)

† Policy was approved during the reporting period.

In 2016, the Government adopted the Vanuatu National Child Protection Policy, which aims to protect children from the worst forms of child labor, including commercial sexual exploitation and human trafficking; however, the policy leaves children vulnerable to illicit activities.(17)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

Research found no evidence that the Government funded or participated in programs that include the goal of eliminating or preventing child labor, including its worst forms.

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

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Vanuatu (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2014 – 2016
	Pass the Employment Relations Bill of 2012.	2016
	Establish a minimum age for work of at least 15 years.	2016
	Establish a minimum age for hazardous work as age 18 and identify hazardous occupations and activities prohibited for children.	2009 – 2016
	Ensure that the law protects children ages 12 and 13 employed in light agricultural work by specifying the activities and hours per week that are allowed.	2009 – 2016

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that debt bondage is criminally prohibited.	2015 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
	Ensure that there are heightened penalties for inciting children to engage in criminal activities.	2015 – 2016
	Ensure that the law specifically prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2016
	Establish by law an age up to which education is compulsory that extends to the minimum age for employment.	2016
	Establish by law free basic public education.	2016
Enforcement	Publish information regarding funding to the labor inspectorate to enforce laws prohibiting child labor.	2015 – 2016
	Train labor inspectors on enforcing child labor laws and train criminal investigators on enforcing laws prohibiting the worst forms of child labor.	2014 – 2016
	Publish data on labor law and criminal law enforcement actions taken to address child labor, including its worst forms.	2012 – 2016
	Strengthen the labor inspectorate by initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2016
	Establish referral mechanisms among the Labor Department, the Vanuatu Police Force, and social welfare services to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2016
Coordination	Establish a coordinating mechanism to combat child labor, including its worst forms.	2012 – 2016
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as the use of children in illicit activities.	2016
Social Programs	Conduct a national child labor survey to determine the prevalence and nature of child labor in Vanuatu.	2014 – 2016
	Explore ways to increase access to education and fully implement the policy of free, universal education.	2012 – 2016
	Implement programs to address the worst forms of child labor, specifically commercial sexual exploitation.	2012 – 2016

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