

# Vanuatu

*The Government of Vanuatu adopted a Decent Work Country Program specifying the eradication of child labor as a priority. However, children continue to work in agriculture and are victims of commercial sexual exploitation. Gaps in the country's legal framework exacerbate this problem.*

## 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 Sectoral Distribution of the Worst Forms of Child Labor

Children in Vanuatu are engaged in the worst forms of child labor, many of them in agriculture and some in commercial sexual exploitation.<sup>6119</sup> Children's work in agriculture may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children also work in the fishing industry, which may expose them to environmental dangers, the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food or other material goods.<sup>6120</sup> The government does not provide free education, and a lack of alternatives for raising money to pay school fees pushes some children into prostitution.<sup>6121</sup>






Young girls are most vulnerable to sexual exploitation for commercial purposes.<sup>6122</sup> Younger children, recruited by pimps and experienced older prostitutes, are believed to be in the greatest demand.<sup>6123</sup> Child prostitution is on the rise in the country's urban centers and tourist areas such as Port Vila where bars, nightclubs, "guest houses" and hotels facilitate interactions between clients

and sexual service providers, including children. There is some evidence that security guards, taxi drivers, hotel workers and family members serve as go-betweens, making their living from the island's child sex business.<sup>6124</sup> Commercial sexual exploitation of children has also been found to occur in rural areas.<sup>6125</sup>

Children are also reportedly trafficked, although the extent of trafficking is unknown.<sup>6126</sup>

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

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member, although it does not define the term "light work."<sup>6127</sup> The Act prohibits children under age 18 from working on ships; however, with the permission of a labor officer, a child as young as 15 is allowed to work on a ship.<sup>6128</sup> The Act also prohibits children younger than 16 from working at night and provides restrictions on night work for children between ages 16 and 18.<sup>6129</sup> The Government has not established a list of hazardous activities or occupations, nor has it established a minimum age for hazardous work.<sup>6130</sup>

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

The Penal Code prohibits the use, procurement or sale of a child for prostitution.<sup>6131</sup> It also prohibits the use of a child for pornographic purposes, although it does not outlaw the sale, distribution or procurement of child pornography.<sup>6132</sup> Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor and trafficking.<sup>6133</sup>

There is no compulsory age for education.<sup>6134</sup> The lack of standards in this area may increase the risk of children's involvement in the worst forms of child labor.<sup>6135</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

The National Children's Committee (NCC) is charged with coordinating Government efforts to improve children's well-being, including eliminating the commercial sexual exploitation of children. The NCC also monitors child protection issues and is working to create a comprehensive and integrated agenda for children's rights.<sup>6136</sup> Although the NCC addresses commercial sexual exploitation of children, research found no

evidence of a coordinating mechanism to combat other worst forms of child labor.

The Labor Department is the primary federal agency responsible for enforcing Vanuatu's child labor laws; no child labor inspections were conducted in 2010. The agency currently employs four labor inspectors who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.<sup>6137</sup> However, at the end of 2010, the Labor Department initiated the recruitment of four more labor inspectors to work specifically on enforcing laws against child labor.<sup>6138</sup> The Government also set a goal to increase the number of labor inspection reports by 2012.<sup>6139</sup>

In September 2010, the ILO agreed to provide the Government with targeted skills training and other unspecified forms of technical assistance to the Labor Department to assist in addressing issues of child labor.<sup>6140</sup>

The Vanuatu Police Force is responsible for enforcing all criminal laws, including those regarding trafficking and commercial sexual exploitation. They also collaborate with the Customs, Immigrations and Labor Departments.<sup>6141</sup> The Police Force employs 50 investigators; however, none work exclusively on issues regarding children.<sup>6142</sup> Furthermore, none of the investigators have received specific training on the worst forms of child labor. During the reporting period, no investigations or prosecutions involving the worst forms of child labor were carried out.<sup>6143</sup>

### **Government Policies on the Worst Forms of Child Labor**

During the reporting period, the Government adopted the Decent Work Country Program (DWCP).<sup>6144</sup> The DWCP specifies the improvement of youth employment conditions as a priority and establishes the number and quality of labor inspection reports filed as measurement toward that goal.<sup>6145</sup> Through the DWCP, the Labor Department has requested financial assistance

from the ILO to prepare new regulations on child labor and to translate the revised Employment Relations Bill into local languages.<sup>6146</sup>

There is a free and universal education policy; however, school fees are a significant barrier to education. During the reporting period, the Government met its commitment to provide all primary school children (grades 1–6) with a stipend to pay school fees.<sup>6147</sup>

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

The Government participates in UNICEF's Pacific Policy, Advocacy, Planning and Evaluation

Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. PAPE also provides technical assistance for data collection on children's issues; however, no evidence indicates that this program currently collects data on the worst forms of child labor.<sup>6148</sup> The question of whether or not this program has an impact on child labor does not appear to have been addressed.

Research found no evidence of any programs to address the worst forms of child labor, specifically in agriculture and commercial sexual exploitation.

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

#### **IN THE AREA OF LAWS AND LEGISLATION:**

- Define "light work" in the legislation and establish a list of hazardous occupations and activities for children.
- Establish a minimum age for hazardous work.
- Prohibit the sale, distribution or procurement of child pornography.
- Establish a compulsory age for education.

#### **IN THE AREA OF COORDINATION AND ENFORCEMENT:**

- Establish a mechanism to coordinate efforts to combat all worst forms of child labor.

#### **IN THE AREA OF POLICIES:**

- Fully implement the existing policy of free education.
- Conduct and publish research on children's work to inform future policy.

#### **IN THE AREA OF SOCIAL PROGRAMS:**

- Assess the impact the existing PAPE program may have on child labor.
- Implement programs to address the worst forms of child labor.

<sup>6119</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section. See also Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme:*

Vanuatu, 2008, 12; available from [http://ec.europa.eu/development/icenter/repository/scanned\\_vu\\_csp10\\_en.pdf?CFID=160883&CFTOKEN=66219861&jsessionid=24303b718e5e5f134520](http://ec.europa.eu/development/icenter/repository/scanned_vu_csp10_en.pdf?CFID=160883&CFTOKEN=66219861&jsessionid=24303b718e5e5f134520). See also Oxfam New Zealand, *Back to School in Vanuatu*, [2010 [cited May 5, 2011]; available from <http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu>.

<sup>6120</sup> United Nations Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, 2009, 53, 96-97, 109; available from <http://www>.

unescap.org/publications/detail.asp?id=1320. See also UNESCAP and ECPAT International UNICEF, Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report, UNICEF Pacific, 2006, 23-25; available from [http://www.unicef.org/pacificislands/partners\\_10989.html](http://www.unicef.org/pacificislands/partners_10989.html). See also U.S. Department of State, "Vanuatu," in Country Reports on Human Rights Practices-2009, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm>.

<sup>6121</sup> UNICEF, CSEC and Child Sexual Abuse in the Pacific, 24. See also ILO, Country Baselines Under the ILO Declaration Annual Review (2000-2010): the Effective Abolition of Child Labour (CL), Vanuatu, 2010, 155; available from [http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS\\_091263/index.htm](http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm).

<sup>6122</sup> UNICEF, CSEC and Child Sexual Abuse in the Pacific, 10, 22. See also United Nations Economic and Social Commission for Asia and the Pacific, Pacific Perspectives, 95-97. See also UN Committee on the Elimination of Discrimination against Women, Concluding Comments on the Elimination of the Discrimination against Women: Vanuatu, June 11, 2007, 4, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement>.

<sup>6123</sup> United Nations Economic and Social Commission for Asia and the Pacific, Pacific Perspectives, 59.

<sup>6124</sup> *Ibid.*, 30, 58-59, 77. See also UNICEF, CSEC and Child Sexual Abuse in the Pacific, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report, 2008, 12; available from <http://www.unescap.org/publications/detail.asp?id=1323>.

<sup>6125</sup> UNICEF, CSEC and Child Sexual Abuse in the Pacific, 27.

<sup>6126</sup> UN Economic and Social Commission for Asia and the Pacific, Regional Stakeholders' Consultation and Planning Workshop, 12.

<sup>6127</sup> The Government of Vanuatu, Employment Act, (May 30, 1983), article 38; available from [http://www.paclii.org/vu/legis/consol\\_act/e128/](http://www.paclii.org/vu/legis/consol_act/e128/).

<sup>6128</sup> *Ibid.*, articles 40, 42.

<sup>6129</sup> *Ibid.*, article 41.

<sup>6130</sup> *Ibid.*, articles 40-42, 45.

<sup>6131</sup> The Government of Vanuatu, Penal Code, (August 7, 1981), articles 7, 35; available from [http://www.paclii.org/vu/legis/consol\\_act/pc66/](http://www.paclii.org/vu/legis/consol_act/pc66/).

<sup>6132</sup> *Ibid.*, article 101D.

<sup>6133</sup> The Government of Vanuatu, Employment Act, article 7. See also The Government of Vanuatu, Penal Code, articles 102, 105.

<sup>6134</sup> ILO, Country Baselines Under the ILO Declaration Annual Review, 156.

<sup>6135</sup> The Government of Vanuatu, Education Act, (February 25, 2002), articles 7, 35; available from [http://www.paclii.org/vu/legis/consol\\_act/ea104/](http://www.paclii.org/vu/legis/consol_act/ea104/). See also ILO, Country Baselines Under the ILO Declaration Annual Review, 156.

<sup>6136</sup> UNICEF, CSEC and Child Sexual Abuse in the Pacific, 32-33. See also UN Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined Initial, Second and Third Periodic Reports of States Parties- Vanuatu, CEDAW/C/VUT/1-3, 2005, 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement>.

<sup>6137</sup> UN Committee on the Elimination of Discrimination against Women, Responses to the list of issues and questions with regard to the consideration of the combined initial, second and third periodic reports: Vanuatu, CEDAW/C/VUT/Q/3/Add.1, January 12, 2007, 16; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c6a272aa78e118e5c12572a4003277dc/\\$FILE/N0720798.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/c6a272aa78e118e5c12572a4003277dc/$FILE/N0720798.pdf). See also ILO, Decent Work Country Programme: Vanuatu, July 2009, 11; available from [http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS\\_120557/index.htm](http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm). See also U.S. Embassy- Port Moresby, reporting, March 8, 2011.

<sup>6138</sup> U.S. Embassy- Port Moresby, reporting, March 8, 2011.

<sup>6139</sup> ILO, Decent Work Country Programme.

<sup>6140</sup> *Ibid.*, 1, 20-21.

<sup>6141</sup> U.S. Embassy- Port Moresby, reporting, March 8, 2011.

<sup>6142</sup> *Ibid.*

<sup>6143</sup> *Ibid.*

<sup>6144</sup> ILO, Decent Work Country Programme, 4, 11, 20.

<sup>6145</sup> *Ibid.*, 17, 20. See also UN Committee on the Elimination of Discrimination against Women, Responses to the list of issues and questions, 16.

<sup>6146</sup> ILO, Decent Work Country Programme, 17.

<sup>6147</sup> U.S. Department of State, "Vanuatu," in 2010 Country Reports on Human Rights Practices, Washington, DC, April 6, 2011, section 6; available from <http://www.state.gov/documents/organization/160108.pdf>.

<sup>6148</sup> UNICEF, Policy, Advocacy, Planning and Evaluation (PAPE), [2011 [cited May 2, 2011]]; available from [http://www.unicef.org/pacificislands/9596\\_11759.html](http://www.unicef.org/pacificislands/9596_11759.html). See also UNICEF Pacific, A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE), May 2010, 1; available from [http://www.unicef.org/pacificislands/9596\\_13564.html](http://www.unicef.org/pacificislands/9596_13564.html).