

Territories and Non-Independent Countries

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.⁵⁵⁷¹ 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 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 the 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.⁵⁵⁷² Territories are generally subject to the laws of the sovereign country.

⁵⁵⁷¹ U.S. Government, *Harmonized Tariff Schedule of the United States (Rev. 1)*, 11-12 and 187-189; available from <http://www.usitc.gov/publications/docs/tata/hts/bychapter/1001gn.pdf>.

⁵⁵⁷² 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. International Labour Organization, *Constitution of the International Labour Organization*, (October 20, 1948); 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 exploited in the worst forms of child labor, specifically in commercial sexual exploitation. Sometimes children, both boys and girls, perform sex acts in exchange for money and gifts.⁵⁵⁷³ These transactions often occur with the knowledge, consent, and sometimes initiation of the child's parent.⁵⁵⁷⁴

Laws and Regulations on the Worst Forms of Child Labor

The Education Act prohibits children of compulsory school age (5 to 17) from employment during the school year and children less than age 14 from employment at all times.⁵⁵⁷⁵ The Employment of Children (Restriction) Act limits children less than age 12 from working in family-owned agricultural undertakings and domestic work at home. Under the Restriction Act, children under 14 may not work during the school day, and there are limitations on work times and the total number of hours they may work.⁵⁵⁷⁶ In addition, they are prohibited from work that may be physically hazardous or that requires heavy lifting.⁵⁵⁷⁷ 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 under 17 from working in industrial undertakings or at night.⁵⁵⁷⁸ The Governor of the Territory has the authority to expand restrictions on child labor.⁵⁵⁷⁹

The Constitution prohibits slavery and forced labor.⁵⁵⁸⁰ The Criminal Code prohibits the prostitution and abduction of children.⁵⁵⁸¹ Defense in Anguilla is the responsibility of the United Kingdom and the minimum age for military recruitment is 16.⁵⁵⁸²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government has established mechanisms for monitoring issues related to the worst forms of child labor. 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.⁵⁵⁸³ Information was not found 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 not instituted formalized standards to guide operations or responses to child protection issues across the Government.⁵⁵⁸⁴ With

support from the British Government, it has formed a Child Protection Steering Committee. Since its formation, the Steering Committee has drafted Child Protection Protocols for Anguilla on recognizing and referring child abuse cases; consulted with leaders from agencies working with children; and sought feedback and consultation from practitioners in the field of child protection.⁵⁵⁸⁵

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

Research found no evidence of specific programs in Anguilla to eliminate or prevent child sexual exploitation.

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 supersedes the Employment of Children (Restriction) Act.

in the area of coordination and enforcement

- Establish mechanisms for monitoring issues related to the worst forms of child labor.
- 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 AREAS OF POLICY AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate the commercial sexual exploitation of children, including victim assistance.

⁵⁵⁷³ 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.

⁵⁵⁷⁴ Ibid., 115-116 and 124.

⁵⁵⁷⁵ 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.

⁵⁵⁷⁶ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 1-2.

⁵⁵⁷⁷ Ibid.

⁵⁵⁷⁸ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 166.

⁵⁵⁷⁹ Government of Anguilla, *Employment of Children (Restriction) Act*, article 2.

⁵⁵⁸⁰ Government of Anguilla, *The Anguilla Constitution Order 1982*, (1 April 1982), sections 4 and 5; available from <http://www.gov.ai/images/Anguilla%20Const.pdf>.

⁵⁵⁸¹ UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 171.

⁵⁵⁸² 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 CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁵⁵⁸³ Government of Anguilla, *Employment of Children (Restriction) Act*, articles 3-5.

⁵⁵⁸⁴ Government of the United Kingdom and Northern Ireland, *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)*, UN Committee on the Rights of the Child, 2008, 4; available from <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q.4.Add.2.doc>. See also UN Committee on the Rights of the Child, *Third and Fourth Periodic Reports of States Parties Due in 2007: United Kingdom*, 165.

⁵⁵⁸⁵ Anguilla Correspondent, “Child Protection Protocols Come Under the Microscope,” *Anguilla Express*, March 3, 2010; available from <http://www.anguillaexpress.com/?p=1855>.

British Indian Ocean Territory/Chagos Archipelago

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the British Indian Ocean Territory are exploited in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Commissioner of the British Indian Ocean Territory may make laws for the Territory but generally, the laws of the United Kingdom are applicable.⁵⁵⁸⁶ According to the British Child and Young Person’s Act 1933, a child can start working part-time at 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 2004.⁵⁵⁸⁷ The Sexual Offenses Act of 2003 protects children from prostitution, pornography, and trafficking for sexual purposes.⁵⁵⁸⁸ The Coroners and Justice Act of 2009 prohibits slavery and forced and compulsory labor.⁵⁵⁸⁹

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 in British Indian Ocean Territory.

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.

⁵⁵⁸⁶ Central Intelligence Agency, “British Indian Ocean Territory,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/index.html>.

⁵⁵⁸⁷ 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.

⁵⁵⁸⁸ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, (November 20, 2003), articles 5-15, 45-60, and 72; available from http://www.opsi.gov.uk/acts/acts2003/ukpga_20030042_en_1#Legislation-Preamble.

⁵⁵⁸⁹ 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.

⁵⁵⁹⁰ Government of the British Virgin Islands, *Labour Code*, articles 3, 128, and 130; available from http://www.bvigazette.org/extrafile/G00307_Labour%20Code%20Act,%202010.pdf.

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 exploited 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 less than age 18 are prohibited from hazardous work.⁵⁵⁹⁰ Children between the ages of 16 and 18 must have sufficient training and supervision when operating heavy machinery and all children below 18 are prohibited from night work.⁵⁵⁹¹ 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.⁵⁵⁹²

The Constitution prohibits slavery and forced labor.⁵⁵⁹³ 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.⁵⁵⁹⁴

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.⁵⁵⁹⁵ Information about enforcement of the worst forms of child labor provisions in the Criminal Code was not obtained.⁵⁵⁹⁶

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 in the British Virgin Islands.

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.

⁵⁵⁹¹ Ibid., articles 2, 128, 130, and 146.

⁵⁵⁹² Ibid., articles 129-130.

⁵⁵⁹³ Government of the British Virgin Islands, *The Virgin Islands Constitution Order 2007*, (June 15, 2007), articles 14; available from <http://www.bvi.gov.vg/products.asp?iProd=129&iCat=15&hierarchy=0>.

⁵⁵⁹⁴ 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](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 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, 188; available from http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_GBR_4.doc. See also Government of the British Virgin Islands, *Labour Code*, articles 2, 130.

⁵⁵⁹⁵ Government of the British Virgin Islands, *Labour Code*, articles 8-14.

⁵⁵⁹⁶ Ibid.

Christmas Islands and Cocos (Keeling) Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

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

Laws and Regulations on the Worst Forms of Child Labor

The Christmas and Cocos (Keeling) Islands are subject to the child labor laws of the state of Western Australia.⁵⁵⁹⁷ The Western Australia Children and Community Services Act 2004 prohibits the employment of children under age 15 in a business, trade, or for-profit occupation with some exceptions. Child prostitution and possession, production, and distribution of child pornography are prohibited.⁵⁵⁹⁸

Slavery is illegal under the Slavery and Sexual Servitude Act of 1999.⁵⁵⁹⁹ The Criminal Code prohibits trafficking in persons and debt bondage.⁵⁶⁰⁰ The trafficking provisions of the Criminal Code criminalize forced labor if the offender facilitated or organized the other person's entry/exit to or from the territories.⁵⁶⁰¹ Defense of the Christmas and Cocos (Keeling) Islands is the responsibility of Australia, which has a voluntary recruitment age of 17.⁵⁶⁰²

Institutional Mechanisms for Coordination and Enforcement

The Western Australia Division of the Department of Consumer and Employment Protection (DOCEP) investigates and enforces laws dealing with the employment of children.⁵⁶⁰³

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.⁵⁶⁰⁴ The Western Australia state police force has primary responsibility for

investigating and prosecuting allegations of slavery or sexual servitude.⁵⁶⁰⁵

The Federal Department of Immigration and Multicultural Affairs and the Australian Federal Police have jurisdiction in trafficking matters.⁵⁶⁰⁶ The Australian Federal Police established the Transnational Sexual Exploitation and Trafficking (TSET) Team in October 2003 to investigate slavery, sexual servitude, and child sex tourism.⁵⁶⁰⁷ The Australian Federal Police's Child Protections Operations Team (CPOT) monitors child sex tourism offenses and child pornography on the Internet.⁵⁶⁰⁸

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.

⁵⁵⁹⁷ U.S. Embassy- Canberra, *reporting*, February 9, 2010.

⁵⁵⁹⁸ 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/. See also Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 192; available from http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/. 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.

⁵⁵⁹⁹ *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).

⁵⁶⁰⁰ *The Criminal Code Act 1995*, division 271; available from http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/schl.html.

⁵⁶⁰¹ Ibid., articles 73.2(3) and page 520.

⁵⁶⁰² Central Intelligence Agency, “Christmas Island,” in *The CIA 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,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ck.html>. See also Coalition to Stop the Use of Child Soldiers, “Australia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/preface>.

⁵⁶⁰³ 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.

⁵⁶⁰⁴ 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.

⁵⁶⁰⁵ 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>.

⁵⁶⁰⁶ Ibid., 19.

⁵⁶⁰⁷ 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.

⁵⁶⁰⁸ Ibid.

Cook Islands

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are exploited in the worst forms of child labor, specifically in commercial sexual exploitation.⁵⁶⁰⁹

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.⁵⁶¹⁰ The New Zealand Industrial and Labor Ordinance 1964 prohibits children under the age of 16 from working in factories without permission from the Industrial Relations Officer. The law prohibits children

less than age 18 from any work that the Industrial Relations Officer deems dangerous. Children under age 18 may not work with factory machines without knowledge of the dangers, precautions to be taken, and sufficient training or supervision.⁵⁶¹¹ 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.⁵⁶¹² 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.⁵⁶¹³ There are no armed forces in the Cook Islands.⁵⁶¹⁴

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,⁵⁶¹⁵ as are selling, distributing, or otherwise exhibiting indecent documents.⁵⁶¹⁶ The prostitution of boys is not specifically addressed under the law.

Institutional Mechanisms for Coordination and Enforcement

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the 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.⁵⁶¹⁷ The Chief Censor has some responsibility for issues of pornography.⁵⁶¹⁸ The Ministries of Tourism, Culture, Health, Justice, Education, Foreign Affairs, and the Police also play roles in protecting children.⁵⁶¹⁹ However, research did not reveal any information on the number of investigators, investigations, or the number of violations regarding the commercial sexual exploitation of children during the reporting period.

Government Policies on the Worst Forms of Child Labor

Government, civil society, and religious groups in the Cook Islands 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.⁵⁶²⁰

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

Research found no evidence of any 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 the Cook Islands:

IN THE AREA OF LAWS AND REGULATIONS

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.
- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICY AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

⁵⁶⁰⁹ 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.

⁵⁶¹⁰ Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws*, [online] [cited September 28, 2010]; available from <http://www.pacii.org/databases.html#CK>.

⁵⁶¹¹ Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), article 53; available from http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/.

⁵⁶¹² *Prohibition of Forced or Compulsory Labour Ordinance 1960*; available from http://www.pacii.org/ck/legis/num_act/toc-P.html.

⁵⁶¹³ 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.

⁵⁶¹⁴ Coalition to Stop the Use of Child Soldiers, "Pacific Islands," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/pacific-islands>.

⁵⁶¹⁵ Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 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.

⁵⁶¹⁶ Government of Cook Islands, *Crimes Act*, article 138.

⁵⁶¹⁷ ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

⁵⁶¹⁸ *Ibid.*

⁵⁶¹⁹ *Ibid.*

⁵⁶²⁰ *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 exploited 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 less than 16. It also is illegal to employ children 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.⁵⁶²¹ 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; is underground or underwater, at dangerous heights, or in confined spaces, or requires the use of dangerous machinery, equipment, or tools without training and supervision. Children under 18, including those who have completed compulsory schooling, may not work at night in any industry.⁵⁶²²

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.⁵⁶²³

Under the United Kingdom's Sexual Offenses Act 2003, as applied to the Falkland Islands by the Sexual Offenses Ordinance 2005, children less than age 13 are not legally capable of consenting to any form of sexual activity and 16 is the age of consent for sexual activity. The Act also prohibits trafficking in persons for sexual exploitation.⁵⁶²⁴ Purchasing a child for sexual services and causing, controlling, arranging, or facilitating child prostitution or pornography are also illegal.⁵⁶²⁵

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 in the Falkland Islands.

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.

⁵⁶²¹ U.S. Embassy- London, *reporting*, January 16, 2009. See also Government of the United Kingdom and Northern Ireland, *Implementation of the Convention on the Rights of the Child- Overseas Territories*, 18.

⁵⁶²² U.S. Embassy- London, *reporting*, January 16, 2009.

⁵⁶²³ *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>.

⁵⁶²⁴ Government of the United Kingdom of Great Britain and Northern Ireland, *Sexual Offenses Act 2003*, articles 5-9, 57-59.

⁵⁶²⁵ *Ibid.*, articles 45,47, 48-50.

Gibraltar

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Gibraltar are exploited in the worst forms of child labor.⁵⁶²⁶

Laws and Regulations on the Worst Forms of Child Labor

Gibraltar follows the child labor laws of the United Kingdom.⁵⁶²⁷ See the Laws and Regulations section of the British Indian Ocean Territory/Chagos Archipelago for a full description of these laws.

Slavery and forced labor are prohibited under the Gibraltar Constitution Order 2006.⁵⁶²⁸ Prostitution of girls and child pornography are illegal.⁵⁶²⁹ The

prostitution of boys is not specifically prohibited under the law.

The recruitment age for the Royal Gibraltar Regiment is 16.⁵⁶³⁰ There is no evidence of comprehensive laws against trafficking in Gibraltar.

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 in Gibraltar.

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 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.

⁵⁶²⁶ U.S. Embassy- London, *reporting*, February 10, 2010.

⁵⁶²⁷ U.S. Embassy- London, *reporting*, January 16, 2009.

⁵⁶²⁸ 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.

⁵⁶²⁹ 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>.

⁵⁶³⁰ Central Intelligence Agency, "Gibraltar," in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/gi.html>.

Montserrat

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is limited evidence that some children in Montserrat are exploited in commercial sexual exploitation in exchange for money and material goods.⁵⁶³¹

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment under the Montserrat Employment Act is 14. Children under 15 are prohibited from industrial undertakings unless the work is not dangerous and only family members are employed.⁵⁶³²

The Montserrat Penal Code prohibits the prostitution of girls.⁵⁶³³ The prostitution of boys is not specifically prohibited under the law.

Pornography is also illegal.⁵⁶³⁴ The Constitution of Montserrat prohibits slavery and forced labor.⁵⁶³⁵

Although abduction and kidnapping are punishable under the Penal Code, there is no evidence of comprehensive legislation against trafficking in persons.⁵⁶³⁶

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

Research found no evidence of any 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 Montserrat:

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

- Enforce relevant laws to protect children from commercial sexual exploitation.

IN THE AREAS OF POLICY AND PROGRAMS

- Collect, analyze, and disseminate information regarding the prevalence and nature of the commercial sexual exploitation of children.
- Develop and implement a policy framework and social programs to prevent and eliminate commercial sexual exploitation of children, including victim assistance.

⁵⁶³¹ Adele D. Jones and Trotman Jemmott, *Child Sexual Abuse in the Eastern Caribbean*, UNICEF, Hastings, Christ Church, November 9, 2009, 198-199,204; available from http://www.unicef.org/infobycountry/files/Child_Sexual_Abuse_in_the_Eastern_Caribbean_Final_9_Nov.pdf.

⁵⁶³² Government of Montserrat, *Employment Act*, article 4; available from http://labour.gov.ms/publications/Employment_Act.pdf.

⁵⁶³³ Government of Montserrat, *The Penal Code*, articles 116, 125, 129; available from http://agc.gov.ms/wp-content/uploads/2010/02/penal_code.pdf.

⁵⁶³⁴ Ibid., 291.

⁵⁶³⁵ Government of Montserrat, *The Montserrat Constitution Order 1989*, (January 8, 1990), article 55; available from <http://www.legislation.gov.uk/uksi/1989/2401/contents/made>.

⁵⁶³⁶ Montserrat, *Montserrat Penal Code*, articles 195-197.

Niue

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in Niue work 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.⁵⁶³⁷ There is no military in Niue as defense is the responsibility of New Zealand.⁵⁶³⁸

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 in Niue.

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.

⁵⁶³⁷ 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>.

⁵⁶³⁸ Central Intelligence Agency, “Niue,” in *The CIA World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/ne.html>.

Norfolk Island

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor on Norfolk Island.⁵⁶³⁹

Laws and Regulations on the Worst Forms of Child Labor

There is no minimum age for employment on Norfolk Island but children under 15 are subject to limitations under the Employment Act 1988. Children under 15 may not work more than 20 hours a week, at night, or during school hours.⁵⁶⁴⁰ Parental consent and written agreement is required to employed persons under 18.⁵⁶⁴¹ Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor.

The Commonwealth Criminal Code Act 1995 of Australia applies to Norfolk Island and criminalizes slavery, including sexual slavery, trafficking in children, forced prostitution, child pornography, and the recruitment of children under age 15 for armed conflict. The Norfolk Island Criminal Code Act 2007 prohibits sexual servitude and child pornography.⁵⁶⁴²

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 on Norfolk Island. Employment inspectors and child welfare officers monitor the employment of young workers and take action accordingly.⁵⁶⁴³

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 on Norfolk Island.

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.

⁵⁶³⁹ U.S. Embassy- Canberra, *reporting*, February 9, 2010.

⁵⁶⁴⁰ Ibid.

⁵⁶⁴¹ Ibid.

⁵⁶⁴² Ibid.

⁵⁶⁴³ Ibid.

St. Helena, Ascension and Tristan da Cunha (formerly called Saint Helena)⁵⁶⁴⁴

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in St. Helena or its dependencies, Ascension and Tristan da Cunha.

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 St. Helena and its dependencies. The Constitution prohibits slavery and forced labor.⁵⁶⁴⁵

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 in St. Helena, Ascension and Tristan da Cunha. The Department for Employment and Social Security is responsible for employment issues.⁵⁶⁴⁶

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.

⁵⁶⁴⁴ 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.

⁵⁶⁴⁵ 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>.

⁵⁶⁴⁶ 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 - Addendum - United Kingdom of Great Britain and Northern Ireland - Overseas Territories*, 14 February 2008, 131; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/404/99/PDF/G0840499.pdf?OpenElement>.

Tokelau

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence of the worst forms of child labor in Tokelau.

Laws and Regulations on the Worst Forms of Child Labor⁵⁶⁴⁷

The Tokelau Crimes, Procedures and Evidence Rules 2003 prohibit prostitution and possessing, selling, or exhibiting pornography.⁵⁶⁴⁸ New Zealand legislation does not apply to Tokelau unless expressly extended with Tokelauan consent. Evidence that worst forms of child labor laws from New Zealand have been extended to Tokelau was not obtained.

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 in Tokelau.

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.

⁵⁶⁴⁷ 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 Education Act of 1989, Health and Safety of Employment Act of 1992, and Industrial and Labour Relations Act 1964 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>.

⁵⁶⁴⁸ Government of Tokelau, *Tokelau Crimes, Procedures, and Evidence Rules 2003*, (2003), articles 25, 39; available from http://www.pacii.org/tk/legis/num_act/cpaer2003302/.

Turks and Caicos Islands⁵⁶⁴⁹

Prevalence and Distribution of the Worst Forms of Child Labor

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

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in the Turks and Caicos Islands is 16. Children under 16 may be employed with the written consent of their parent or guardian.⁵⁶⁵⁰ Slavery and forced labor are prohibited by the Constitution.⁵⁶⁵¹

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 in the Turks and Caicos Islands.

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.

⁵⁶⁴⁹ 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, 13 July 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*, 14 August 2009; available from <http://www.nytimes.com/2009/08/15/world/americas/15web-briefs-Turkscaicos.html>.

⁵⁶⁵⁰ *Turks and Caicos Islands Employment Ordinance 2004*, (October 26, 2004); available from <http://www.misickstanbrook.tc/articles/ordinances/Employment%20Ordinance/Employment%20Ordinance%202004.pdf>.

⁵⁶⁵¹ *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>.

Wallis and Futuna

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children are exploited in the worst forms of child labor in the Wallis and Futuna Islands.⁵⁶⁵²

Laws and Regulations on the Worst Forms of Child Labor

The constitutional status of Wallis and Futuna is set by French law.⁵⁶⁵³ 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 under age 16, with some exceptions for apprenticeships or other alternative education programs, light work during holidays from the age of 14, or work within the entertainment industry.⁵⁶⁵⁴ Minors under the age of 18 are prohibited from certain

dangerous jobs and are prohibited from working more than 7 hours a day or 35 hours a week.⁵⁶⁵⁵ The Ministry of the Interior of France states that the law on child labor is respected and enforced in Wallis and Futuna.⁵⁶⁵⁶

The French Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.⁵⁶⁵⁷ Procuring and prostituting a child is prohibited under France’s Penal Code; such offenses also carry appropriate penalties.⁵⁶⁵⁸

It is unlawful under the French Penal Code to take, record, or send an image of pornographic character 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.⁵⁶⁵⁹

According to the French Code of Defense, persons below the age of 17 are prohibited from admittance into the French Armed Forces, although admittance to military schools is allowed at age 16.⁵⁶⁶⁰ Written consent from parents or guardians and proof of age must be provided from volunteers. National service is no longer a requirement in France.⁵⁶⁶¹

Institutional Mechanisms for Coordination and Enforcement

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

Government Policies on the Worst Forms of Child Labor

Given the absence of a demonstrated child labor problem, the Government of France has not established a policy framework on the issue.

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

There is no evidence of programs to prevent child labor in Wallis and Futuna.

⁵⁶⁵² U.S. Embassy- Paris, *reporting*, January 7, 2009, para 3.

⁵⁶⁵³ 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.

⁵⁶⁵⁴ U.S. Embassy- Paris, *reporting, January 7, 2009*, para 2. 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. See also U.S. Department of State, “France,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, March 11, 2010, section 7d. See also The Library of Congress, *Children’s Rights: France*, [2010 [cited September 28, 2010]; available from <http://www.loc.gov/law/help/child-rights/france.php>.

⁵⁶⁵⁵ Government of France, *Code du Travail*, article R234-6. See also The Library of Congress, *Children’s Rights: France*.

⁵⁶⁵⁶ U.S. Embassy- Paris, *reporting, January 7, 2009*, para 2.

⁵⁶⁵⁷ U.S. Department of State, “Country Reports- 2010: France,” section 6. See also The Library of Congress, *Children’s Rights: France*.

⁵⁶⁵⁸ The Library of Congress, *Children’s Rights: France*. See also U.S. Department of State, “Country Reports- 2010: France,” section 5.

⁵⁶⁵⁹ Government of France, *Code Penal*, (June 1998), article 227-23; available from http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdjo03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.

⁵⁶⁶⁰ The 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.

⁵⁶⁶¹ Government of France, *Code du service national*, (October 1997), article L1; available from <http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071335&dateTexte=20080505>.

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

The West Bank and Gaza has some laws in place to protect children from the worst forms of child labor. Children continue to work in agriculture and street vending. Significant gaps remain in the enforcement of laws against the worst forms of child labor and there is no policy framework to combat the problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in the West Bank and Gaza Strip are exploited in the worst forms of child labor,⁵⁶⁶² many of them in dangerous work in agriculture and street vending. Such work exposes children to risks including dangerous machinery and tools, harmful pesticides, and carrying heavy loads.⁵⁶⁶³ Children also work as street vendors and porters. 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.⁵⁶⁶⁴ Some children work in auto body shops where they are exposed to unsafe tools and machinery.⁵⁶⁶⁵ Children also collect metals and other salvageable materials from garbage dumps, exposing them to potentially hazardous and unsanitary materials.⁵⁶⁶⁶ Some children work in mining, manufacturing, and construction.⁵⁶⁶⁷

Some Palestinian children cross into Israel and Israeli settlements in the West Bank to work.⁵⁶⁶⁸ Children traveling to and working in Israeli settlements may be subject to exploitation and harassment.⁵⁶⁶⁹

There are reports that children are recruited for use in armed conflict as human shields and informants. Some child informants are tortured in order that they cooperate.⁵⁶⁷⁰ Children thought to have collaborated with Israeli authorities may be subject to retaliation.⁵⁶⁷¹

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.⁵⁶⁷² Some children may work up to 10 hours at a time in the tunnels with only a very short break.⁵⁶⁷³ 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.⁵⁶⁷⁴

Laws and Regulations on the Worst Forms of Child Labor






Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 are applicable to the West Bank and Gaza. These laws prohibit the employment of any person under age 15 and also require children between age 15 and 18 years to receive medical examinations every 6 months while working.⁵⁶⁷⁵ The Unified Labor Law provides exceptions to the restrictions for children who work for direct relatives and are under their supervision, as long as the work does not negatively impact the mental and physical development of the child or the child's education.⁵⁶⁷⁶

The Unified Labor Law prohibits children under age 18 from being employed in industries identified by the Minister of Labor as dangerous or unhealthy, as well as night shifts, overtime, piece work and employment away from their communities.⁵⁶⁷⁷

There are no specific laws prohibiting forced labor in the West Bank and Gaza.⁵⁶⁷⁸ Prostitution is illegal.⁵⁶⁷⁹

The Child Law 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.⁵⁶⁸⁰ The Law 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.⁵⁶⁸¹

The West Bank and Gaza do not have a regular military force.⁵⁶⁸² Recruitment for government service, including security services, is voluntary beginning at age 18.⁵⁶⁸³

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

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.

The Ministry of Labor is responsible for enforcing child labor laws. Its Inspection and Protection Administration enforces the Labor Law.⁵⁶⁸⁴ Ministry of Labor officials state that there is no enforceable law to monitor and protect Palestinian children working in Israeli settlements and that there are no Israeli inspectors in West Bank settlements and industrial zones.⁵⁶⁸⁵

Palestinian Authority law requires the Ministry of Labor to investigate suspected cases of children recruited for armed conflict and it mandates trial of those responsible in court.⁵⁶⁸⁶

The Ministry of Labor has 37 labor inspectors who investigate child labor violations, among other duties.⁵⁶⁸⁷ However, the Palestinian Authority is only able to conduct investigations in the West Bank because of Hamas's control of Gaza since 2007.⁵⁶⁸⁸

The Palestinian Authority convicted 10 people in child labor cases from 2003 through 2007. Palestinian Authority officials state that many individuals have been fined following investigations in the past few years.⁵⁶⁸⁹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of a policy to combat child labor in the West Bank and Gaza. However, the National Plan of Action for Palestinian Children 2004-2010 includes a strategic goal to monitor all workplaces where children are employed.⁵⁶⁹⁰

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

In 2005, the Ministry of Labor, Ministry of Social Affairs, Ministry of Education, and the United Nations Relief and Works Agency initiated efforts to identify child laborers and assist them to leave work and attend school. The Secretariat for the National Plan of Action for Palestinian Children initiated a pilot program to remove children from child labor.⁵⁶⁹¹

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 help lines, and aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence, and exploitation.⁵⁶⁹² Save the Children Sweden provides funding for the hotline.⁵⁶⁹³

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft laws that specifically prohibit forced child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Conduct child labor inspections in Gaza.

IN THE AREA OF POLICY:

- Draft a comprehensive policy framework for the elimination of the worst forms of child labor.

⁵⁶⁶² 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.

⁵⁶⁶³ Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004, 50; available from <http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf>.

⁵⁶⁶⁴ Integrated Regional Information Networks, “Poverty driving Palestinian children onto the streets”, IRINnews.org, [online], June 12, 2007 [cited January 26, 2010]; available from <http://www.irinnews.org/report.aspx?ReportId=72677>. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

⁵⁶⁶⁵ 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 Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, 50.

⁵⁶⁶⁶ Birzeit University Development Studies Programme and UNICEF- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*. See also Integrated Regional Information Networks, “Palestinian children”.

⁵⁶⁶⁷ U.S. Embassy- Jerusalem, *reporting*, June 2, 2010. See also Integrated Regional Information Networks, “Palestinian children”.

⁵⁶⁶⁸ Integrated Regional Information Networks, “Palestinian children”. See also Birzeit University Development Studies Programme and United Nations Children’s Fund- Occupied Palestinian Territories, *The Children of Palestine in the Labour Market*, Ramallah, October, 2004; available from <http://www.miftah.org/Doc/Reports/2004/unicefrep.pdf>. 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 Simone Korkus, “Child labour in Jewish settlements”, Kav LaOved, [online], December 11 2008 [cited February 17, 2010]; available from http://www.kavlaoved.org.il/media-view_eng.asp?id=2049.

⁵⁶⁶⁹ Korkus, “Child labour in settlements”. See also U.S. Embassy- Jerusalem, *reporting*, June 2, 2010.

⁵⁶⁷⁰ UN Committee 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, CRC/C/OPAC/ISR/CO/1*, 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.

⁵⁶⁷¹ Defence for Children International with Coalition to Stop the Use of Child Soldiers, *Child collaborators in OPT*.

⁵⁶⁷² Iqbal Tamimi, “The children of Gaza,” (November 11, 2009); 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”, [online], July 12, 2009 [cited February 2, 2010]; available from <http://www.google.com/hostednews/afp/article/ALeqM5hYZkIqVJjw5s97PTUI0UDj1yNcQ>. 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*.

⁵⁶⁷³ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁷⁴ Moser, “Children in tunnels”, Tamimi, “Children of Gaza.” See also National Society for Democracy and Law, “National Society for Democracy and Law precedence on children work in tunnels”, [nsdl.org.ps](http://www.nsd.org.ps), [online], November 15, 2009 [cited February 19, 2010]; available from <http://www.nsd.org.ps/english/mainnew1/new1.html>. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁷⁵ Law Library of Congress, *West Bank and Gaza: Child Labor Laws*, 2010-003857, The Law Library of Congress, Washington, DC, May, 2010.

⁵⁶⁷⁶ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*. See also Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁷⁷ Law Library of Congress, *West Bank and Gaza Laws*. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁷⁸ Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁷⁹ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁸⁰ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory: A National Position Paper*, Jerusalem, June, 2005; available from http://www.crin.org/docs/NPASEC_OPT_Child_Protection.pdf.

⁵⁶⁸¹ Law Library of Congress, *West Bank and Gaza Laws*.

⁵⁶⁸² Ibid.

⁵⁶⁸³ 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>.

⁵⁶⁸⁴ Palestinian Economic Policy Institute, *Palestinian Labour Law No. 7 & Worker’s Rights*, Report for a conference, Ramallah, May, 2008; available from http://www.palst-jp.com/eg/pdf/inv/02/Palestinian_Labour_Law.pdf.

⁵⁶⁸⁵ U.S. Department of State, “Israel and the Occupied Territories,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm>. See also U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁸⁶ U.S. Embassy- Jerusalem, *reporting, December 7, 2007*.

⁵⁶⁸⁷ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁸⁸ Ibid.

⁵⁶⁸⁹ U.S. Embassy- Jerusalem, *reporting, June 2, 2010*.

⁵⁶⁹⁰ Secretariat of the National Plan of Action for Palestinian Children, *Child Protection in the Occupied Palestinian Territory*.

⁵⁶⁹¹ Ibid.

⁵⁶⁹² SAWA’s *Child Helpline Service 121: Expanding outreach to vulnerable children in oPt*, [online] February 2010 [cited August 11, 2010]; available from <http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf>.

⁵⁶⁹³ Ibid.].

Western Sahara

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Western Sahara may be exploited in the worst forms of child labor, particularly in agriculture.⁵⁶⁹⁴ Children working in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.

Laws and Regulations on the Worst Forms of Child Labor

The Moroccan-controlled territory of Western Sahara is subject to Moroccan laws.⁵⁶⁹⁵ 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 of employment is 15 as established by the Labor Code of 2004; the Labor Code also limits the number of hours that children under the age of 16 can work.⁵⁶⁹⁶ However, agricultural or seasonal activities may be exempt from these restrictions for children ages 15 to 16.⁵⁶⁹⁷ Also, the Labor Code prohibits hazardous activities for children under the age of 18, although children working on family farms are not protected by the provisions of the Labor Code.⁵⁶⁹⁸ 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.⁵⁶⁹⁹ The Labor Code does not apply to all businesses, such as those with fewer than five employees.⁵⁷⁰⁰

Forced or compulsory child labor is prohibited under the Labor Code and Penal Code.⁵⁷⁰¹ Although Morocco does not have a specific trafficking-in-persons law, child trafficking can be prosecuted using articles from the Penal Code and Immigration Law.⁵⁷⁰²

The age for voluntary recruitment to the military is 18. There is no compulsory military service.⁵⁷⁰³

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.⁵⁷⁰⁴ Sex tourism is also criminalized under an amendment to the Penal Code.⁵⁷⁰⁵

Institutional Mechanisms for Coordination and Enforcement






The Government of Morocco administers its laws in Western Sahara through Moroccan institutions.⁵⁷⁰⁶






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.

		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.						



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