

Wallis and Futuna

No Assessment

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Wallis and Futuna Islands are engaged in the worst forms of child labor.(1)

Laws and Regulations on the Worst Forms of Child Labor

French law applies in the Wallis and Futuna Islands.(2) As such, the French Labor and Penal Codes detailed herein extend to its territory of Wallis and Futuna.

The French Labor Code prohibits employment for persons younger than age 16, with some exceptions for apprenticeships and other alternative education programs, light work during holidays and work within the entertainment industry.(3-5) Minors younger than age 18 are prohibited from certain dangerous jobs and from working more than 7 hours a day or 35 hours a week. These jobs include working in plants, factories, construction sites, and workshops.(4, 5)

The French Penal Code prohibits slavery, forced labor, and the use of children in illicit activities such as transporting or selling drugs.(6) The Penal Code prohibits trafficking in children and provides for appropriate penalties for offenders.(5) Procuring and prostituting a child is also prohibited under France's Penal Code and such offenses carry appropriate penalties.(5, 7)

Under the French Penal Code, it is unlawful to take, record or send a pornographic image of a minor with the intention of circulation. Such a crime carries appropriate penalties, as does the crime of distributing a pornographic image of a minor through import or export.(6)

Persons younger than age 17.5 years are prohibited from admittance into the French Armed Forces.(8)

Education is free and compulsory to age 16.(9)

Institutional Mechanisms for Coordination and Enforcement

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

Government Policies on the Worst Forms of Child Labor

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

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

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

REFERENCES

1. U.S. Embassy- Paris. *reporting, December 10, 2010.*
2. Australian Government- Department of Foreign Affairs and Trade. *Wallis and Futuna country brief*; [online] [cited September 27, 2010]; http://www.dfat.gov.au/geo/wallis_futuna/wallisfutuna_brief.html.
3. U.S. Embassy- Paris. *reporting, January 6, 2009.*
4. Government of France. *Code du Travail*, enacted May 2008. http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdlj_o03v_3?cidTexte=LEGITEXT000006072050&dateTexte=20100928 <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072050&idArticle=LEGIARTI000018511175&dateTexte=20110524>.
5. Library of Congress. *Children's Rights: France*, [online] [cited February 13, 2012]; <http://www.loc.gov/law/help/child-rights/france.php>.
6. Government of France. *Code Penal*, enacted June 1998. http://www.legifrance.gouv.fr/affichCode.do;jsessionid=5915BE44CD095CAE70B46222FFF096FF.tpdlj_o03v_3?cidTexte=LEGITEXT000006070719&dateTexte=20100929.
7. U.S. Department of State. "France," in *Country Reports on Human Rights Practices-2010*. Washington, DC; April 8, 2011; <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154424.htm>.
8. U.S. Embassy- Paris official. E-mail communication to USDOL official. May 31, 2012.
9. Encyclopedia.com. *Wallis and Futuna Islands*, [online] [cited February 13, 2012]; http://www.encyclopedia.com/topic/Wallis_and_Futuna_Islands.aspx#3.

West Bank and the Gaza Strip

During 2011, the Palestinian Authority (PA) made no advancement in efforts to eliminate the worst forms of child labor in the 18 percent of the West Bank and the Gaza Strip under PA control. Although the PA solicited donor support to hire additional inspectors and expand vocational programs for youth, it did not receive the funding necessary to implement these goals. The PA did not initiate any programs for children working on the streets or in dangerous activities in agriculture. Although the PA reassigned one inspector to specialize in child labor issues, it continued to lack an adequate number of inspectors and child protections officers to enforce child labor laws. Children continue to engage in the worst forms

of child labor in dangerous activities in agriculture and street vending.

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
Primary Completion Rate		Unavailable

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

	C138, Minimum Age	N/A
	C182, Worst Forms of Child Labor	N/A
	CRC	N/A
	CRC Optional Protocol on Armed Conflict	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	N/A
	Palermo Protocol on Trafficking in Persons	N/A
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the West Bank and the Gaza Strip are engaged in the worst forms of child labor, many of them in dangerous activities in agriculture and street vending.(3) Some children working in agriculture help to cultivate dates.(4-12) Children working in agriculture may use dangerous tools, carry heavy loads and apply harmful pesticides.(3)

Children engage in street vending and portering, which may involve carrying heavy loads and working long hours standing in the sun and traffic, often without food or water. Children working in the streets are vulnerable to harassment

and assault.(8, 10-12) Some children work in auto body shops, in which they are exposed to unsafe tools and machinery.(8, 13, 14) Children also collect metals and other salvageable materials from garbage dumps and structures demolished from the ongoing conflict. Scavenging exposes children to harmful and unsanitary materials, as well as to potential hazards from unexploded ordnance or structures that may collapse.(9, 11, 12)

Children in the West Bank and the Gaza Strip work in stone quarrying, and collect pebbles and gravel for construction purposes.(8, 9, 11, 14-17) This work requires heavy lifting and often takes place in dangerous areas that put the children in the middle of ongoing conflict.(14-17) While evidence is limited, there are indications that children work in manufacturing and construction.(8-10, 12)

In the Hamas-controlled Gaza Strip, Palestinian children work inside underground tunnels that run between the Gaza Strip and Egypt, smuggling food and other goods, including chemicals, and digging and laying wire for electricity and pipelines for fuel.(8-10, 12, 18-22) Some children may work up to 10 hours at a time in the tunnels, with only a short break.(8, 10) Many children use stimulant drugs to decrease pain and increase stamina during long shifts in the tunnels. Some Palestinian children have died in the tunnels as a result of Israeli attacks and efforts to block the smuggling.(10, 20, 23)

Because children are generally able to cross Israeli military checkpoints with less scrutiny than adults, they are sometimes used to smuggle drugs and to transport or sell weapons.(12) Children are reportedly used in armed conflict as human shields and informants.(25) There is limited evidence that children are trained as combatants by Hamas.(22)

Laws and Regulations on the Worst Forms of Child Labor

Since the 2007 takeover in Gaza by Hamas, a designated foreign terrorist organization, the PA no longer has jurisdiction or enforcement capabilities in the Gaza Strip. In the West Bank, under the terms of the Oslo-era agreements between the Palestine Liberation Organization and the Israeli Government, the PA only has law enforcement capabilities in the 18 percent of the West Bank that is designated Area A.(22) The Israeli Government is responsible for law enforcement in Areas B and C. This report discusses only the efforts of the PA in the areas it controls. For more information, see the U.S. Department of State's 2011 Human Rights Report at <http://www.state.gov>.(22)

The Unified Labor Law No. 7 of 2000 and Palestinian Child Law No. 7 of 2004 (PCL) prohibit the employment of any

person under age 15. The former also requires children from age 15 to age 18 to receive medical examinations every 6 months while working.(26) The Labor Law prohibits children from working more than 4 consecutive hours at a time, and requires employers to give children a 1-hour break during their shift.(26, 27)

The Labor Law prohibits children under age 18 from being employed in industries that the Minister of Labor (MOL) identifies as dangerous or unhealthy. It also prohibits children from working night shifts and overtime, piece work and employment away from their communities.(10, 26) The law also creates exceptions for children who work for and are directly supervised by relatives, as long as the work does not negatively impact the mental and physical development of the child or the child's education.(10, 26) In 2004, the Minister of Labor created a list of 32 activities from which juveniles, defined as children ages 15 to 18, are prohibited from doing. These activities include mining stone, any other work related to extracting material, producing and using pesticides and lifting more than 10 kg, which includes dragging heavy materials and engaging in construction work.(28) In addition, juveniles are permitted to work a maximum of 6 hours, but are prohibited from working between 6 p.m. and 6 a.m. Employers are required to keep a record of birth certificates and other information such as letters of consent from parents allowing the children to work.(28)

The PCL prohibits the exploitation of children in any work that is against the law, hinders a child's education or is harmful to his or her health, physical or moral safety. The PCL specifically prohibits the use of children in drug and alcohol-related industries, the publication, circulation or possession of child pornography and the use of children in armed conflicts.(26, 27) Prostitution is illegal.(10)

The PA Labor Law does not expressly prohibit forced and compulsory labor.(22, 26)

While there is no regular military force in the West Bank or in Gaza, recruitment for government service, including security services, is voluntary beginning at age 18.(26, 29)

Article 37 of the PCL states that all children have the right to complete education through secondary school. The law requires the Government to take action to encourage student attendance, eliminate discrimination and promote the dignity of students.(27) Education is compulsory for 10 years. Children start school on average around age 6, which means that Palestinian children should be in school until approximately age 16.(30)

Due to the limited jurisdiction of the Palestinian Authority, the PCL is not enforced in Gaza or most of the West Bank. In Israeli-controlled areas of the West Bank, the Jordanian Education Law No. 16 of 1964 takes precedence. Article 10 of this Law makes education compulsory from ages 6 to 15, regardless of grade.(27, 31) The Hamas-controlled Gaza follows the PA's compulsory education law requiring children to attend school until age 15. In Gaza, education is provided by relief organizations, Hamas and Christian private schools.(31) No unified and comprehensive education law exists for all of the Occupied Palestinian Territories.(27)

The West Bank and the Gaza Strip lack adequate schools to serve all children. Children often travel long and often dangerous distances to attend schools, which can sometimes be poorly equipped and unhygienic.(32)

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the PA has established a coordinating mechanism to combat the worst forms of child labor in the PA-controlled areas of the West Bank.

The Ministry of Labor's Inspection and Protection Administration is responsible for enforcing child labor laws.(18, 33) During the reporting period, the MOL continued to employ 45 labor inspectors, but increased the number of inspectors specifically assigned to monitoring child labor conditions by 1. this increase brings the total number of child labor specialists to 6.(8, 10, 18, 22, 27) Government officials describe the MOL as understaffed and in need of at least 150 labor inspectors in order to cover most of the private establishments in which children often work.(8, 18)

Because of current political circumstances, enforcement agents cannot monitor conditions in all areas in which Palestinian children are working. This limited jurisdiction leaves many children without the benefit of monitoring and enforcement to protect them against labor exploitation. During the reporting period, the PA was unable to conduct investigations in the Gaza Strip due to Hamas control of the area.(8, 18) In addition, PA officials have stated that there are no enforceable laws to monitor and protect Palestinian children working in Israeli-controlled areas of the West Bank.(10, 22)

In 2011, the MOL inspectors engaged business owners on child labor laws in an effort to raise awareness on minimum age requirements for work eligibility.(8) No current or reliable data were found on the precise number of investigations conducted or violations reported during the reporting period. However, between 2007 and 2011 the MOL referred only 10 people to

the Attorney General for employing children under age 15 in dangerous work.(8) Further information on the result of these referrals, fines imposed or other penalties is not available. Palestinian Authority law requires the MOL to investigate suspected cases of children recruited for armed conflict and mandates that those responsible be tried in court.(34)

The Child Protection Department within the Ministry of Social Affairs (MOSA) is responsible for preventing the abuse and sexual exploitation of children as well as for assisting victims of such maltreatment. Since 2010, the MOSA has attempted to register all employed youth in an effort to improve the monitoring of working conditions.(27) In cooperation with the local police force, MOSA Child Protection Officers are responsible for investigating cases of sexual exploitation. The most recent data available indicate that the MOSA had employed fewer than 13 child protection social workers in the West Bank, and eight in Gaza.(27) According to government officials, while the Child Protection Officers receive reports of both child labor and child abuse, they are burdened with too large of a case load and too few resources to follow up on child labor violations.(18)

Government Policies on the Worst Forms of Child Labor

The revised National Plan of Action for Palestinian Children 2009-2011 addresses many child protection issues, including protecting children's economic rights. In its report to the Committee on the Rights of the Child, the PA established a strategic goal to monitor all workplaces in which children are employed.(27) Due to the lack of data regarding monitoring and enforcement efforts, the research did not uncover whether the Government had achieved this goal during the reporting period.

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

The Palestinian Authority is currently working with UNICEF to examine matters of child labor, including the means of monitoring child laborers and eliminating the illegal use of children.(27) However, the research did not uncover any activities produced by this collaboration.

MOSA continued to support vocational centers for children who have dropped out of school or are considered poor, and child protection programs to reduce the risk of economic exploitation of children.(27) Furthermore, families receiving social assistance through the MOSA are monitored to ensure that their children remain in school and complete the mandated minimum education.(27) In total MOSA runs 13 vocational centers, 8 in the West Bank and 5 in Gaza.(27). However, Save the Children and the PA published a report in 2010 that criticized these programs, alleging that they are outdated, poorly resourced and ineffective.(27) During 2011, the PA solicited donor support to expand vocational programs for youth but did not receive the funding necessary to implement the plan.

Palestinian children can use the free Palestinian Child Protection Helpline 121 as part of Child Helpline International, a network of child helplines that aims to provide free support and counseling to children and adolescents to protect them from abuse, neglect, violence and exploitation.(35) Save the Children Sweden provides funding for the helpline.(35)

Given the scope and magnitude of child labor in the West Bank and the Gaza Strip, the limited scope of these programs is not sufficient to combat child labor, especially in street work and agriculture.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Implement a law that expressly prohibits forced and compulsory labor.	2009, 2010, 2011
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
	Provide sufficient resources and staff to the MOL and MOSA to adequately enforce child labor laws.	2010, 2011
	Collect and distribute current data on the enforcement of child labor laws.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Implement programs to address child labor, particularly in street vending and agriculture.	2011
	Update the curriculum of programs offered by MOSA that address the worst forms of child labor.	2010, 2011
	Improve educational access by increasing the number of well-equipped and hygienic schools available for students.	2011

REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.*; accessed March 29, 2012; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children’s work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, 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 of this report.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- Alenat, S. *Working for Survival: Labor Conditions of Palestinians Working in Settlements*, Kav La Oved, [previously online] December 15, 2010 [cited February 16, 2011]; [source on file].
- Check the Label. *Check the Label: Boycott Israeli Dates*, [online] [cited January 2011]; <http://www.checkthelabel.org.uk/page3.html>.
- Korkus, S. *Child Labour in Jewish Settlements*, Kav La Oved, [previously online] December 11, 2008 [cited source on file].
- Report of the Director-General. *The Situation of Workers of the Occupied Arab Territories*. International Labour Conference, 98th Session. Geneva: ILO; 2009.
- U.S. Embassy- Jerusalem. *reporting, January 10, 2012*.
- Save the Children Sweden. *Children’s Rights Violations Caused by Armed Conflict in Gaza – March 2011 to June 2011*; 2011. <http://sca.savethechildren.se/PageFiles/3667/Fact%20Sheet%20IV%20Gaza.pdf>.
- U.S. Embassy- Jerusalem. *reporting, June 2, 2010*.
- Integrated Regional Information Networks. “Israel-OPT: Poverty Driving Palestinian Children onto the Streets.” IRINnews.org [online] June 12, 2007 [cited January 26, 2011]; <http://www.irinnews.org/report.aspx?ReportId=72677>.
- ILO-IPEC International Training Centre. *The Worst Forms of Child Labour in Conflict and Post Conflict Settings: Results from a Research Project*. Report. Turin, Italy, 2010.
- UNICEF. *Growing Poverty in Gaza Pushing Children to Work*. Occasional Story. Gaza Strip, Occupied Palestinian Territory, July 22, 2009. http://www.unicef.org/infobycountry/oPt_50318.html
- Najjar, N. “Gaza Children Labour to Help Families.” [gulfnews.com](http://gulfnews.com/news/region/palestinian-territories/gaza-children-labour-to-help-families-1.732196) [online] December 19, 2010 [cited June 5, 2012]; <http://gulfnews.com/news/region/palestinian-territories/gaza-children-labour-to-help-families-1.732196>
- Defence for Children International/Palestine Section. *Urgent Appeal: UA 4/10*. [previously online]. North Gaza, December 29, 2010. [hard copy on file].
- Gaza Gateway. *Children of the Gravel*, [online] September 16, 2010 [cited May 3, 2012]; <http://www.gazagateway.org/2010/09/children-of-the-gravel/>
- Shamalakh, S. “Gaza Children Go to Work to Help Families.” Xinhua General News Service, Beijing, November 2, 2010; World News; Political.
- U.S. Embassy- Jerusalem. *reporting, February 10, 2011*.
- Tamimi, I. “The Children of Gaza.” Aljazeera.com [previously online] November 11, 2009 [cited hard copy on file].
- Moser, P. “OPT: Children Risk Their Lives in Gaza’s Blockade-Busting Tunnels.” AFP [online] July 12, 2009 [cited June 5, 2012]; <http://www.google.com/hostednews/afp/article/ALeqM5hYZkIggVJjw5s97PTUI0UDj1yNcQ>.
- 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*. East Jerusalem: August 2009. www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf.
- U.S. Department of State. “Israel and the Occupied Territories,” in *Country Reports on Human Rights Practices- 2011*. Washington, DC; May 24, 2012; http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186429.
- National Society for Democracy and Law. “National Society for Democracy and Law Precedence on Children Work in Tunnels.” nsdl.org.ps [online] November 15, 2009 [cited February 19, 2010]; <http://www.nsdl.org.ps/english/mainnenw1/new1.html>.
- Education International. *Country Profile- Palestine: Occupied Territories Under the Palestinian Authority*. June 12, 2007. http://www.ei-ie.org/barometer/en/profiles_detail.php?country=palestine.
- UN Convention on the Rights of the Child. *Consideration of Reports Submitted by States Parties Under Article 8 of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict: Concluding Observations: Israel*. Geneva, January 29, 2010. Report No. CRC/C/OPAC/ISR/CO/1. <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-OPAC-ISR-CO-1.pdf>.
- Law Library of Congress. *West Bank and Gaza: Child Labor Laws*. Washington, DC, The Law Library of Congress May 2010. Report No. 2010-003857.
- The Palestinian National Authority. *The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory*. The Palestinian Central Bureau of Statistics and Save the Children UK. December 2010. [hard copy on file].
- Palestinian Authority Minister of Labor and Cabinet. *2000 Labor Law*, Ministry Decision Number (1) and (167) for 2004 enacted 2004.
- Coalition to Stop the Use of Child Soldiers. “Occupied Palestinian Territory,” in *Child Soldiers Global Report 2008*. London; 2008; <http://www.childsoldiersglobalreport.org/content/occupied-palestinian-territory>.
- Nicolai, S. “Education and Chronic Crisis in Palestine.” *Forced Migration Review Education Supplement:24-26* <http://www.fmreview.org/FMRpdf/EducationSupplement/16.pdf>.
- U.S. Embassy- Jerusalem. E-mail communication to USDOL official. May 23, 2012.
- UNICEF. “Palestinian Children Deprived of Basic Rights to Education.” [previously online] September 15, 2010 [cited hard copy on file].
- Palestinian Economic Policy Institute. “Palestinian Labour Law No. 7 & Worker’s Rights,” in Palestine Investment Conference; May 21-23, 2008; Bethlehem; http://www.palst-jp.com/eg/pdf/inv/02/Palestinian_Labour_Law.pdf.
- U.S. Embassy- Jerusalem. *reporting, December 7, 2007*.
- Save the Children Sweden. *SAWA’s Child Helpline Service 121: Expanding Outreach to Vulnerable Children in oPt*. online. Stockholm, February 2010. <http://sca.savethechildren.se/Global/scs/MENA/Resources/SAWA%20Fact%20Sheet%20-%20%20Final.pdf>.

NON-INDEPENDENT COUNTRIES AND TERRITORIES – LAWS AND RATIFICATIONS

		Niue	Norfolk Island	St. Helena, Ascension, and Tristan da Cunha	Tokelau	Turks and Caicos	Wallis and Futuna	West Bank	Western Sahara
	C138, Minimum Age	N/A	N/A	N/A	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	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	N/A	X	N/A	X	N/A	N/A	N/A
	CRC Optional Protocol on Armed Conflict	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Palermo Protocol on Trafficking in Persons	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Minimum Age for Work	Unclear	None	Unclear	Unclear	16	16	15	15
	Minimum Age for Hazardous Work	Unclear	None	Unclear	Unclear	None	18	18	18
	Compulsory Education Age	16	15	15, 16, 15	16	16	16	15	15
	Free Public Education	Unclear	Yes	Yes	Yes	Yes	Yes	Yes	Yes