

# Vanuatu

*During the reporting period, the Government of Vanuatu participated in a project to increase the number and quality of its labor inspections. However, children continue to work in agriculture and are the victims of commercial sexual exploitation. Gaps in the country's legal framework contribute to this problem.*

## Statistics on Working Children and School Attendance

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



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor<sup>5335</sup>

Children in Vanuatu are exploited in the worst forms of child labor, many of them in agriculture.<sup>5336</sup> Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in fishing where they are exposed to environmental dangers as well as the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food, or other material goods.<sup>5337</sup> A lack of alternatives for raising cash to pay their school fees pushes some children in the country into prostitution.<sup>5338</sup>

Young girls in Vanuatu are most vulnerable to sexual exploitation for commercial purposes. Younger children, who are recruited by pimps and experienced older sex workers, are believed to be in the greatest demand.<sup>5339</sup> Child prostitution is on the rise in the country's urban centers and tourist sector, such as Port Vila, where bars, nightclubs, "guest houses," and hotels are used to facilitate interactions between clients and sexual service providers, including children under the age of 18. UNICEF has found that some of Vanuatu's security guards, taxi drivers, hotel workers, and family members of children under age 18 serve as go-

betweens, making their livings from the islands' child sex business.<sup>5340</sup> Commercial sexual exploitation of children has also been found to occur in rural areas.<sup>5341</sup>






Some evidence shows that trafficking in children occurs in Vanuatu, but the nature and the extent of the problem is unknown.<sup>5342</sup>

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

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member; however, the Act does not define the term "light work."<sup>5343</sup> The Act does restrict children under age 15 from performing work during the night or aboard ships.<sup>5344</sup> However, the Government of Vanuatu has not established a list of hazardous activities or occupations, nor has it established a minimum age for hazardous work.<sup>5345</sup>

The Penal Code prohibits the use, procurement, or sale of a child below age 18 for prostitution.<sup>5346</sup> It also prohibits the use of a child for pornographic purposes, though it does not outlaw the sale, distribution, or procurement of child pornography.<sup>5347</sup> Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor, and trafficking.<sup>5348</sup>

There is no compulsory age for education, nor does the government have a legal obligation to provide free schooling.<sup>5349</sup> The lack of standards in these two areas may increase the risk of children’s involvement in the worst forms of child labor.<sup>5350</sup>

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	None
	Free Public Education	No

**Institutional Mechanisms for Coordination and Enforcement**

Research found no evidence that the Government of Vanuatu has established a coordinating mechanism to combat the worst forms of child labor specifically.

The National Children’s Committee is charged with coordinating Government efforts to improve children’s well-being, including eliminating the commercial sexual exploitation of children. The Committee also monitors child protection issues and is working to create a comprehensive and integrated agenda for children’s rights.<sup>5351</sup>

The Labor Department is the primary federal agency responsible for enforcing Vanuatu’s child labor laws. The agency currently employs approximately four labor inspectors, who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.<sup>5352</sup> This is an insufficient number given the scope of child labor.

In an agreement with ILO signed during the reporting period, the Government set a goal to double the 2008 number of labor inspection reports by 2012. ILO has agreed to provide the Government with targeted skills trainings and will offer other unspecified forms of technical assistance to the Labor Department, the country’s Trade Union Council, and Chamber of Commerce.<sup>5353</sup>

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

During the reporting period, the Labor Department formulated the Decent Work Country Program (DWCP) for Vanuatu with the support of the ILO and the country’s Trade Union Council and Chamber of Commerce.<sup>5354</sup> The DWCP for Vanuatu specifies the eradication of child labor as a priority, and establishes the number and quality of labor inspection reports filed as measurement toward that goal.<sup>5355</sup> Through the DWCP, the Labor Department has requested financial assistance from the ILO to prepare new regulations on child labor and to translate the revised Employment Relations Bill into local languages.<sup>5356</sup>

In March 2009, the Minister of Finance announced Government plans to eliminate primary school fees by January of the following year.<sup>5357</sup> The fee waiver is not expected to cover students’ ancillary expenses, like uniforms, books, and transportation.<sup>5358</sup> Research did not uncover evidence to determine whether this has been implemented.

The Government participates in UNICEF’s Pacific Policy, Advocacy, Planning, and Evaluation Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. It also provides technical assistance for data collection on children’s issues, which may include child labor.<sup>5359</sup> There is no evidence that the Government currently collects data on the worst forms of child labor.

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

Research found no evidence of any programs to address the worst forms of child labor.

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

### IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for hazardous work.
- Specifically define the term “light work” in the law and establish a list of hazardous occupations and activities for children.
- Establish a compulsory age for education.
- Prohibit the sale, distribution, or procurement of child pornography.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors available to enforce child labor laws and regulations.

### IN THE AREA OF POLICIES:

- Implement free primary school education for all children.
- Collect data at regular intervals on the nature and prevalence of the worst forms of child labor in the country.

### IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

<sup>5335</sup> Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

<sup>5336</sup> Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme: Vanuatu*, 2008, 12; available from [http://www.delvut.ec.europa.eu/en/eu\\_and\\_country/CSP2008.pdf](http://www.delvut.ec.europa.eu/en/eu_and_country/CSP2008.pdf). See also Oxfam New Zealand, *Back to School in Vanuatu*, [online] [cited July 12, 2010]; available from <http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu>.

<sup>5337</sup> Michael Samson, Stephen Kidd, Frank Ellis, Nicholas Freeland, and Bernard Wyler, *Social Protection in the Pacific: A Review of its Adequacy and Role in Addressing Poverty*, Australian Agency for International Development, Australian Government, Canberra, February 2010, 28; available from [http://www.unicef.org/pacificislands/AusAID\\_SP\\_Study.pdf](http://www.unicef.org/pacificislands/AusAID_SP_Study.pdf). See also Social Development

Division, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, United Nations ESCAP, 2009, 53, 96-97, 109; available from <http://www.unescap.org/publications/detail.asp?id=1320>. See also UNICEF, UNESCAP, and ECPAT International, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 23-25; available from [http://www.unicef.org/pacificislands/partners\\_10989.html](http://www.unicef.org/pacificislands/partners_10989.html). See also U.S. Department of State, “Vanuatu,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm>.

<sup>5338</sup> UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 24. See also ILO, *Country Baselines under the ILO Declaration Annual Review (2000-2010): The Effective Abolition of Child Labour (CL), Vanuatu*, 2010, 155; available from [http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS\\_091263/index.htm](http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm).

<sup>5339</sup> UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 10, 22. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, April 2009; available from <http://www.unescap.org/ESID/GAD/>

Publication/Pacific\_Perspectives\_Report.pdf. See also UN Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of the Discrimination Against Women: Vanuatu*, June 11, 2007, 4, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement>. See also Anafia Norton, Penelope Taylor, Patrick Vakaoti, Marie Wernham, and Freida M'Cormack, *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Fiji*, UNICEF Pacific, Suva, 2009, 6; available from [http://www.unicef.org/pacificislands/partners\\_10989.html](http://www.unicef.org/pacificislands/partners_10989.html). See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives*, 95-97.

<sup>5340</sup> Social Development Division, *Pacific Perspectives on CSEC and CSA*, 30, 58-59, 77. See also UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report*, 2008, 12; available from <http://www.unescap.org/publications/detail.asp?id=1323>.

<sup>5341</sup> UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 27.

<sup>5342</sup> UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop*, 12.

<sup>5343</sup> Government of Vanuatu, *Employment Act*, (May 30, 1983), article 38; available from [http://www.paclii.org/vu/legis/consol\\_act/e128/](http://www.paclii.org/vu/legis/consol_act/e128/).

<sup>5344</sup> *Ibid.*, article 40.

<sup>5345</sup> *Ibid.*, articles 40-42. See also Norton, Taylor, Vakaoti, Wernham, and M'Cormack, *Protect Me with Love and Care*, 54.

<sup>5346</sup> Government of Vanuatu, *Penal Code*, (August 7, 1981), articles 101, 101a-c; available from [http://www.paclii.org/vu/legis/consol\\_act/pc66/](http://www.paclii.org/vu/legis/consol_act/pc66/).

<sup>5347</sup> *Ibid.*, article 101D.

<sup>5348</sup> Government of Vanuatu, *Employment Act*, article 7. See also Government of Vanuatu, *Penal Code*, articles 102, 105.

<sup>5349</sup> ILO, *Country Baselines under the ILO Declaration Annual Review* 156.

<sup>5350</sup> Government of Vanuatu, *Education Act*, (February 25, 2002), articles 7, 35; available from [http://www.paclii.org/vu/legis/consol\\_act/ea104/](http://www.paclii.org/vu/legis/consol_act/ea104/). See also ILO, *Country Baselines under the ILO Declaration Annual Review* 156. See also Penny Schoeffel Meleisea and Ellie Meleisea, *The Elimination of All Forms of Discrimination and Violence Against the Girl Child: Situation Paper for the Pacific*

*Islands Region*, UNICEF Pacific and UNIFEM Pacific, 2007, 14; available from <http://pacific.unifem.org/index.php?cat=2>.

<sup>5351</sup> UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 32-33. See also UN Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined initial, second and third periodic reports of States parties - Vanuatu*, CEDAW/C/VUT/1-3, 2005, 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement>.

<sup>5352</sup> Government of Vanuatu, *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Initial, Second, and Third Periodic Reports*, [online] 2007, 16; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c6a272aa78e118e5c12572a4003277dc?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c6a272aa78e118e5c12572a4003277dc?Opendocument). See also ILO, *Decent Work Country Programme: Vanuatu*, July 2009, 7, 11; available from [http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS\\_120557/index.htm](http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm). See also U.S. Department of State, "Country Reports- 2009: Vanuatu," section 7e.

<sup>5353</sup> ILO, *Decent Work Country Programme*, 1, 20-21.

<sup>5354</sup> *Ibid.*, 11 and 20.

<sup>5355</sup> *Ibid.*, 20. See also Government of Vanuatu, *Responses to the List of Issues and Questions*, 16.

<sup>5356</sup> ILO, *Decent Work Country Programme*, 17.

<sup>5357</sup> Nicolas Berlanga Martinez, *Vanuatu Press Review*, Delegation of the European Commission to Vanuatu, February 12-March 12 2009, 8; available from <http://www.delvut.ec.europa.eu/en/pa1/pressreviewmarch1.pdf>.

<sup>5358</sup> *Ibid.*

<sup>5359</sup> UNICEF, *Policy, Advocacy, Planning and Evaluation (PAPE)*, [online] 2010 [cited August 24, 2010]; available from [http://www.unicef.org/pacificislands/9596\\_11759.html](http://www.unicef.org/pacificislands/9596_11759.html). See also UNICEF Pacific, *A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE)*, May 2010, 1; available from [http://www.unicef.org/pacificislands/9596\\_13564.html](http://www.unicef.org/pacificislands/9596_13564.html).