

In 2019, Vanuatu made a minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, Vanuatu acceded to ILO C. 138, setting the minimum age for work at 14. Although research is limited, children in Vanuatu engage in the worst forms of child labor, including in forced domestic work and commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in dangerous tasks in forestry. Vanuatu's minimum age for hazardous work of age 15 is too low to comply with international standards. Vanuatu also lacks a referral mechanism between criminal authorities and social service providers. In addition, the Government of Vanuatu did not respond to requests for information for this report.



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Vanuatu engage in dangerous tasks in forestry. (1) Table 1 provides key indicators on children's work and education in Vanuatu. Data on some of these indicators are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		91.7

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2020. (2) Data were unavailable from International Labor Organization's analysis, 2020. (3)

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

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

Sector/Industry	Activity
Agriculture	Forestry, including logging (1,4)
Services	Street vending, including selling newspapers (1,4)
Categorical Worst Forms of Child Labor‡	Forced domestic work, sometimes as a result of human trafficking (5) Commercial sexual exploitation, sometimes as a result of human trafficking (5,6)


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

Vanuatu lacks data to determine the nature and prevalence of child labor in the country. (1,4) Children living in remote areas face difficulties accessing education, increasing the risk of children's involvement in child labor. (7) Families sometimes send children to live with relatives in nearby towns or cities, and these children are subjected to forced labor as domestic workers. (5)

## II. LEGAL FRAMEWORK FOR CHILD LABOR



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

**Table 3. Ratification of International Conventions on Child Labor**

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

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

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

In 2019, Vanuatu acceded to ILO C. 138 setting the minimum age for work at 14 and bringing it into compliance with international standards. The convention will come into force in 2020. (8,9)

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

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	14	Section 38 of the Employment Act (8)
Minimum Age for Hazardous Work	No	15	Section 40 of the Employment Act (8)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 40 of the Employment Act (8)
Prohibition of Forced Labor	Yes		Sections 7 and 78(2) of the Employment Act; Section 102 of the Penal Code; Organized Crime Act (8,10,11)
Prohibition of Child Trafficking	Yes		Section 35 of the Counter Terrorism and Transnational Organized Crime Act (11)
Prohibition of Commercial Sexual Exploitation of Children	No		Sections 101B-D of the Penal Code (10)
Prohibition of Using Children in Illicit Activities	No		Section 35 of the Penal Code (10)
Minimum Age for Voluntary State Military Recruitment	N/A†		
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A†		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	No		
Free Public Education	No		

† No standing military (12)

Vanuatu's hazardous work prohibitions do not comply with international standards that require all children under age 18 to be protected from work that could jeopardize their health and safety, and Vanuatu has yet to determine by law the types of hazardous work prohibited for children. (7,8,13,14) In addition, the Employment Act permits children ages 12 and 13 to work in light agricultural work and domestic work, but it does not specify the activities or hours per week that are allowed. (8,15) The Penal Code does not include heightened penalties for inciting children to engage in illicit activities, including drug production and drug trafficking. (10) Although the government acknowledges these gaps and is developing a Child Protection Bill, research was unable to determine the status of the bill. (4,16)

Although it does not appear that there are any laws that provide free basic education, the Primary Education School Fee Grant Policy sometimes provides free basic education in government-owned schools for children in grades one to six. The policy was active in 2019, but parents still needed to pay school fees to ensure that their children had access to education, which could leave some children unable to access education vulnerable to child labor. (6,17,18)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Justice and Community Services that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Department of Labor	Enforces provisions set forth in the Employment Act, including child labor laws. (1)
Ministry of Justice and Community Services	Supports agencies that review laws, draft new laws, and implement relevant UN Conventions. (17) The Child Desk strengthens national planning, integrates international goals (e.g., UN Convention on the Rights of the Child), develops a system of protection for children, and supports community efforts to prevent child abuse. (1,17)
Vanuatu Police Force	Enforces all criminal laws related to the worst forms of child labor, and collaborates with the Vanuatu Tourism Office to combat commercial sexual exploitation of children. Prosecutes child labor cases. (1,6)
National Intelligence Unit*	Operates under the Vanuatu Police Force. Is the designated lead and enforces Vanuatu's trafficking in persons laws, including possible commercial sexual exploitation of children as a result of human trafficking. (5)

\*Agency responsible for child labor enforcement was created during the reporting period.

The Child Desk does not have adequate financial and human resources to develop and integrate national planning initiatives into child protection policies. (1)

#### **Labor Law Enforcement**

In 2019, research did not find information on whether labor law enforcement agencies in Vanuatu took actions to combat child labor (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	Unknown (19)	Unknown (1)
Number of Labor Inspectors	Unknown (19)	4 (6)
Inspectorate Authorized to Assess Penalties	No (8)	No (8)
Initial Training for New Labor Inspectors	Unknown (19)	Unknown (1)
Training on New Laws Related to Child Labor	Unknown (19)	Unknown (1)
Refresher Courses Provided	Unknown (19)	Unknown (1)
Number of Labor Inspections Conducted	Unknown (19)	Unknown (1)
Number Conducted at Worksite	Unknown (19)	Unknown (1)
Number of Child Labor Violations Found	Unknown (19)	Unknown (1)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (19)	Unknown (1)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (19)	Unknown (1)
Routine Inspections Conducted	Unknown (19)	Unknown (1)
Routine Inspections Targeted	Unknown (19)	Unknown (1)
Unannounced Inspections Permitted	Yes (8)	Yes (8)
Unannounced Inspections Conducted	Yes (19)	Yes (1)
Complaint Mechanism Exists	Yes (19)	Yes (1)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (19)	No (1)

The Government of Vanuatu did not provide information on its labor law enforcement efforts for inclusion in this report. Vanuatu's referral mechanism lacks inter-agency referral and coordination protocols to connect enforcement authorities—including the Department of Labor and the Vanuatu Police Force—to social welfare services. (1,4,5)

#### **Criminal Law Enforcement**

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

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**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Unknown (19)	Unknown (1)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (19)	Unknown (1)
Refresher Courses Provided	Unknown (19)	Unknown (1)
Number of Investigations	Unknown (19)	Unknown (1)
Number of Violations Found	Unknown (19)	Unknown (1)
Number of Prosecutions Initiated	Unknown (19)	Unknown (1)
Number of Convictions	Unknown (19)	Unknown (1)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (19)	Unknown (1)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	No (19)	No (1)

The Vanuatu Police Force employed 50 investigators that enforce the criminal law, including laws on the worst forms of child labor. (6) The Government of Vanuatu did not respond to requests for information on its criminal law enforcement efforts for inclusion in this report. Although the police have established standard operating procedures to attend to child victims, there is no formal referral mechanism between the police and social services. (1,4) Most cases of child labor are dealt with by *Kastom* (an informal method individuals use to settle disputes), and although anyone can report a crime, research found that police are more likely to investigate if the victims themselves report their allegations. After a case is reported by the victim, the police are mandated to investigate the allegations and bring evidence to the public prosecutor for trial. (18)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efforts to address all forms of child labor.

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

Coordinating Body	Role & Description
National Children Protection Working Group	Serves as the primary forum for exchanging information on child protection and the commercial sexual exploitation of children. Chaired by the Director General of the Ministry of Justice and Community Services and comprises representatives from the government, UN agencies, civil society organizations, and NGOs. (1,20-23) Research was unable to determine whether the National Children Protection Working Group was active during the reporting period.
<i>Kastom</i> (custom)	Serves as the primary informal method to handle child protection issues in Vanuatu. Comprises informal service providers, including religious leaders, women's groups, and NGOs, to whom children are referred through <i>Kastom</i> for services. (1,4) Although there are no formal reports generated from this service being used during the reporting period, it may have been used in rural areas. (24)

Although the government has established a National Child Protection Working Group to combat the commercial sexual exploitation of children, research found no evidence that there is a coordinating mechanism to address all forms of child labor. (20) Although *Kastom* is a common mechanism used to address child protection issues, research found that there is a lack of established inter-agency protocols and procedures between *Kastom* and governmental offices—including the Vanuatu Police Force—to sufficiently coordinate and ensure that child protection services are provided. (1,4)

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including in implementation.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Children Protection Policy (2016–2026)	Aims to protect children from the worst forms of child labor, including commercial sexual exploitation and human trafficking. Provides children with equitable access to services to support reintegration and recovery when needed. (6,20,22)

**Table 9. Key Policies Related to Child Labor (Cont.)**

Policy	Description
Child Safeguarding Policy (2017–2020)	Provides guidelines for protecting children from abuse, including child labor, violence, sexual abuse, neglect, and exploitation. Maintains a presence in capacity building, emergency preparedness and response, and coordination of services related to child protection. (1,25)
United Nations Pacific Strategy (2018–2022)	A multinational strategic framework, comprising 14 South Pacific nations, created to address, develop, and implement strategic economic development priorities in the South Pacific, including eliminating child labor and the worst forms of child labor. (27)

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (26)

Research was unable to determine whether any policies were active during the reporting period. The National Children Protection Policy does not have a dedicated budget, and the offices responsible for its implementation suffer from a lack of human and financial resources. (4,19)

There is no register of civil society organizations tasked with protecting children, and social services providers are not required to be registered with the state. Furthermore, there are no standards or requirements that child protection agents or social services providers must follow when addressing children’s issues. (1,4,22)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including sufficient funding.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Education School Fee Grant†	Funded by the Government of Vanuatu’s Ministry of Education; provides funding directly to primary schools to manage. Funds are disbursed to students in Years 1 through 6 to offset education costs. (28) While active in 2019, research was unable to determine whether activities were undertaken to implement the Education School Fee Grant program during the reporting period or whether this program was funded.

† Program is funded by the Government of Vanuatu

Research was unable to determine whether the Vanuatu Education School Fee Grant program contained child labor elimination policies or efforts.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Vanuatu (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2014 – 2019
	Ensure that the minimum age for hazardous work is age 18.	2016 – 2019
	Determine by national law or regulation the types of hazardous work prohibited for children after consultation with employers’ and workers’ organizations.	2009 – 2019
	Ensure that the law protects children ages 12 and 13 employed in light agricultural work by specifying the activities and hours per week that are allowed.	2009 – 2019
	Ensure that the law specifically prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2016 – 2019
	Ensure that the law criminalizes the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
	Establish a law providing free basic public education.	2016 – 2019
	Establish by law an age up to which education is compulsory that extends to the minimum age for work.	2016 – 2019
Enforcement	Publish information on child labor law enforcement efforts undertaken, including labor inspectorate funding, the number and type of labor inspections conducted, violations found, and penalties imposed and collected.	2012 – 2019
	Strengthen the labor inspectorate by ensuring the ability to assess penalties and initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2016 – 2019



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