

In 2018, Vanuatu made a minimal advancement in efforts to eliminate the worst forms of child labor. The government reactivated the National Child Protection Working Group, which had been inactive since 2014. The Ambae volcano erupted in July, which forced more than 10,000 residents to relocate to neighboring islands. Children experienced long interruptions to their education and may be more vulnerable to the worst forms of child labor due to the eruption and subsequent evacuations. Although research is limited, there is evidence that children in Vanuatu engage in dangerous tasks in forestry. Vanuatu's minimum ages of 14 for work and 15 for hazardous work do not comply with international standards. In addition, the government did not respond to requests for information related to labor law enforcement or criminal law enforcement efforts related to eliminating child labor. Also, Vanuatu lacks a referral mechanism for criminal authorities to refer cases to social services for children.



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 (%)		93.8

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2019. (2)

Data were unavailable from International Labor Organization's analysis, 2019. (3)

In July 2018, the Government of Vanuatu issued a mandatory evacuation order for the 10,000 residents on the Island of Ambae due to volcanic activity. Residents were relocated to nearby islands in temporary shelters. (4) The government closed all schools on Ambae, and students were accommodated on neighboring islands in temporary education facilities which lacked the proper infrastructure and resources. (5) Because of the volcanic eruption, children experienced long gaps in their education. While there were no reports of increased child labor after the volcanic eruption, children in Vanuatu may be more vulnerable to child labor and the worst forms of child labor following the disaster. (6,7) 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 (1,7,8)
Services	Street vending (1,7,8)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ 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. (1,7-9) Children living in remote areas face difficulties accessing education, increasing the risk of children's involvement in child labor. (10,11)

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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	✓
 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	

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 the minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 38 of the Employment Act (12)
Minimum Age for Hazardous Work	No	15	Section 40 of the Employment Act (12)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 40 of the Employment Act (12)
Prohibition of Forced Labor	No		Section 7 of the Employment Act; Section 102 of the Penal Code; Organized Crime Act (12-14)
Prohibition of Child Trafficking	Yes		Section 35 of the Counter Terrorism and Transnational Organized Crime Act (14)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 101B–D and 147A–B of the Penal Code (13)
Prohibition of Using Children in Illicit Activities	No		Section 35 of the Penal Code (13)
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 (15)

The minimum age for work does not meet international standards because the Employment Act permits children as young as age 14 to work. (12) The Employment Act permits children ages 12 and 13 to work in agricultural light work, but it does not specify the activities and hours per week that are allowed. (9,12) The government has yet to pass the Employment Relations Bill of 2012 that prohibits the engagement of children under the age of 18 in hazardous work, and it has not determined by national law or regulation the types of hazardous work prohibited for children. (10,16,17) The minimum age of 15 for hazardous work does not comply with international standards and does not protect children from work that could jeopardize their health and safety. (12)

Laws related to forced labor are not sufficient, as debt bondage is not criminally prohibited. (9,12,13) In addition, the Penal Code does not include heightened penalties for inciting children to engage in criminal activities, including drug production and drug trafficking. (13) Although it does not appear that there are any laws that provide free basic education, the Primary Education School Fee Grant Policy sufficiently provides free basic education in government-owned schools for children in grades one to six. (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 Department of Labor and 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. (9)
Ministry of Justice and Community Services (MJCS)	Supports agencies that review laws, draft new laws, and implement relevant UN Conventions. (19) The Child Desk strengthens national planning, integrates international goals (e.g., United Nations Convention on the Rights of the Child), develops a system of protection for children, and supports community efforts to prevent child abuse. (19,20)
Vanuatu Police Force	Enforces all criminal laws related to the worst forms of child labor. (9)

Labor Law Enforcement

In 2018, labor law enforcement agencies in Vanuatu took actions to combat child labor (Table 6). However, gaps exist within the operations of the Department of Labor that may hinder adequate labor law enforcement, including not making labor law enforcement information publically available.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	Unknown (1)	Unknown (8)
Number of Labor Inspectors	Unknown (1)	Unknown (8)
Inspectorate Authorized to Assess Penalties	Unknown (1)	Yes (8)
Initial Training for New Labor Inspectors		
Training on New Laws Related to Child Labor	Unknown (1)	Unknown (8)
Refresher Courses Provided	Unknown (1)	Unknown (8)
Number of Labor Inspections Conducted	Unknown (1)	Unknown (8)
Number Conducted at Worksite	Unknown (1)	Unknown (8)
Number of Child Labor Violations Found	Unknown (1)	Unknown (8)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (1)	Unknown (8)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (1)	Unknown (8)
Routine Inspections Conducted	Unknown (1)	Unknown (8)
Routine Inspections Targeted	Unknown (1)	Unknown (8)
Unannounced Inspections Permitted	Unknown (1)	Yes (8)
Unannounced Inspections Conducted	Yes (1)	Yes (8)
Complaint Mechanism Exists	Yes (1)	Yes (8)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown (1)	No (8)

The Government of Vanuatu did not respond to requests for information on labor law enforcement efforts. Vanuatu lacks a referral mechanism to connect enforcement authorities and social services due to a lack of inter-agency protocol development between different services. (6-8)

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	2017	2018
Initial Training for New Criminal Investigators	Unknown (1)	Unknown (8)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown (1)	Unknown (8)
Refresher Courses Provided	Unknown (1)	Unknown (8)
Number of Investigations	Unknown (1)	Unknown (8)
Number of Violations Found	Unknown (1)	Unknown (8)
Number of Prosecutions Initiated	Unknown (1)	Unknown (8)
Number of Convictions	Unknown (1)	Unknown (8)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown (1)	Unknown (8)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (1)	No (8)

The Government of Vanuatu did not respond to requests for information on criminal law enforcement efforts related to child labor. (8) Based on the most recent data available from 2012, the Vanuatu Police Force employs 50 investigators, who are responsible for enforcing laws against the worst forms of child labor. 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. (6-8,21)

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 Child 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. (1,22-24) The coordinating body was reactivated during the reporting period, but research was unable to determine whether this coordinating body had regular meetings or implemented any programming. Reports indicate that the group lacks a national policy on eliminating commercial sexual exploitation of children and that government funding is insufficient. (6-8)
Kastom (custom)	Serves as the primary informal method to handle child protection issues in Vanuatu. Comprising informal service providers, including religious leaders, women's groups, and NGOs, children are referred through <i>Kastom</i> for services. (6-8,25)

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. (1) Although *Kastom* is a common mechanism used locally to address child protection issues, research found 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. (6-8)

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
Vanuatu National Child Protection Policy (2016–2026)	Aims to create an environment that protects children from abuse, exploitation, human trafficking, neglect, and violence. Provides children with equitable access to services to support reintegration and recovery when needed. (23) However, this policy continues to leave children vulnerable to exploitation, as the responsible offices suffer from a lack of human resources and lack of funding to fully implement the National Child Protection Policy, which leaves children vulnerable to illicit activities. (7,8) Research was unable to determine whether activities were undertaken to implement the Vanuatu National Child Protection Policy during the reporting period.
Vanuatu Child Safeguarding Policy (2017–2020)	Provides guidelines for protecting children from abuse, including child labor, violence, sexual abuse, neglect, and exploitation. Provides a reporting mechanism for identifying and responding to child abuse. (1,26) Research was unable to determine whether activities were undertaken to implement the Vanuatu Child Safeguard Policy during the reporting period.
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)

† Policy was approved during the reporting period.

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (20)

The National Child Protection Policy aims to protect children from the worst forms of child labor, including commercial sexual exploitation and human trafficking. (1,23) There are no set standards or requirements that child protection providers, services, or agents must follow, and the National Child Protection Policy does not mandate registering child protection agents or maintaining a cohesive register of civil society organizations tasked with protecting children. (7,8,23) Vanuatu does not have a child protection law that directs the government's responsibility to regulate resources to safeguard children or provide resources and legal aid to children and their families. While the government acknowledges these gaps and is developing a Child Protection Bill, research was unable to determine whether activities were undertaken to continue implementing the Vanuatu National Child Protection Policy or the Vanuatu Child Safeguarding Policy during the reporting period. (6,7)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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. (18) Research was unable to determine whether activities were undertaken to implement the Education School Fee Grant program during the reporting period.

† 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).

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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 – 2018
	Establish a minimum age for work of at least 15 years.	2016 – 2018
	Ensure the engagement of children under the age of 18 in hazardous work is prohibited by passing the Employment Relations Bill of 2012.	2016 – 2018
	Determine by national law or regulation the types of hazardous work prohibited for children after consultation with employers' and workers' organizations.	2009 – 2018
	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 – 2018
	Ensure that debt bondage is criminally prohibited.	2015 – 2018
	Ensure that the law specifically prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2016 – 2018
	Ensure that the law criminalizes the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Establish a law providing free basic public education.	2016 – 2018
	Establish by law a compulsory education age that extends to the minimum age for employment.	2016 – 2018
	Finalize and implement the Child Protection Bill.	2018
Enforcement	Publish information on child labor law enforcement efforts undertaken, including labor inspectorate funding, the number of child labor violations found, and the number of child labor penalties imposed.	2012 – 2018
	Publish information on the number of criminal law enforcement efforts undertaken, including the number of child labor investigations initiated, the number of child labor penalties imposed, and the number of criminal law enforcement convictions secured.	2012 – 2018
	Establish and sufficiently fund referral mechanisms among the Department of Labor, the Vanuatu Police Force, and social welfare services to protect and rehabilitate children involved in child labor, including its worst forms.	2014 – 2018
	Strengthen the labor inspectorate by initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents.	2016 – 2018
Coordination	Establish a coordinating mechanism to combat child labor, including its worst forms.	2012 – 2018
	Establish inter-agency protocols and a referral and coordination mechanism between <i>Kastom</i> and government child protection services.	2018
	Ensure the National Child Protection Working Group convenes regularly-scheduled meetings. Ensure the working group is sufficiently funded by the government and drafts and implements a national policy on eliminating commercial sexual exploitation of children.	2018
Government Policies	Ensure the National Child Protection Policy and the Child Safeguarding Policy address all relevant worst forms of child labor, such as the use of children in illicit activities.	2016 – 2018
	Publish information about activities undertaken to implement the Vanuatu National Child Protection Policy and the Child Safeguarding Policy.	2017 – 2018
Social Programs	Collect and publish data, such as a national child labor survey, to determine the prevalence and nature of child labor in Vanuatu.	2014 – 2018
	Increase access to education for children living in remote locations.	2012 – 2018
	Implement programs to address child labor, specifically in forestry and street vending.	2012 – 2018
	Continue to reopen schools, and ensure that disaster relief efforts include measures to provide education access to all affected children and prevent children from engaging in child labor and the worst forms of child labor.	2018
	Ensure the Education School Fee Grant program is sufficiently funded.	2018

REFERENCES

- 1 U.S. Embassy- Port Moresby. Reporting, January 16, 2018.
- 2 UNESCO Institute for Statistics. Gross intake ratio to the last grade of primary education, both sexes (%). Accessed March 16, 2019. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report. <http://data.uis.unesco.org/>.
- 3 ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received March 12, 2019. Please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- 4 Radio New Zealand. Evacuees returning to Vanuatu's Ambae against official advice. Radio New Zealand. January 3, 2019. <https://www.radionz.co.nz/international/pacific-news/379355/evacuees-returning-to-vanuatu-s-ambae-against-official-advice>.

- 5 Radio New Zealand. Vanuatu students struggling after leaving Ambae. Radio New Zealand. June 20, 2018. <https://www.radionz.co.nz/international/pacific-news/360023/vanuatu-students-struggling-after-leaving-ambae>.
- 6 U.S. Embassy Port Moresby. Email communication to USDOL official. March 10, 2019.
- 7 Save the Children. Child Rights Situation Analysis: Vanuatu 2018. June 2018. Source on file.
- 8 U.S. Embassy- Port Moresby. Reporting. January 31, 2019.
- 9 U.S. Embassy- Port Moresby. Reporting. January 31, 2017.
- 10 ILO Committee of Experts. Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Vanuatu (ratification: 2006) Published: 2017. Accessed March 9, 2017. http://www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:3294473.
- 11 Child Rights International Network. Vanuatu: Children's Rights References in the Universal Periodic Review. January 30, 2014. <https://www.crin.org/en/library/publications/vanuatu-childrens-rights-references-universal-periodic-review-0>.
- 12 Government of Vanuatu. Employment Act (Cap 160). Enacted: May 30, 1983. Source on file.
- 13 Government of Vanuatu. Penal Code, Chapter 135. Enacted: August 7, 1981. http://www.paclii.org/vu/legis/consol_act/pc66/.
- 14 Government of Vanuatu. Counter Terrorism and Transnational Organised Crime Act. Enacted: February 24, 2006. https://www.unodc.org/res/cld/document/vut/2006/counter_terrorism_and_transnational_organised_crime_act_html/Vanuatu_Counter_Terrorism_and_Transnational_Organised_Crime_Act.pdf.
- 15 CIA. The World Factbook. Accessed January 19, 2018. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. <https://www.cia.gov/Library/publications/the-world-factbook/rankorder/2095rank.html>.
- 16 Vanuatu Chamber of Commerce and Industry. Employer Survey (Employment Relations Bill) Accessed April 23, 2019. <http://www.vcci.com.vu/business-service/labour-law-reform/>.
- 17 Government of Vanuatu. Employment Relations Bill 2012 (Draft). June 2012. <http://www.vcci.com.vu/wp-content/uploads/2013/04/ERB.pdf>.
- 18 Tabimasmās, Charlot Salwai. Schools Grants Scheme. Government of Vanuatu Ministry of Education, January 22, 2010. https://moet.gov.vu/docs/school-grants/Grants_Scheme.pdf.
- 19 Government of Vanuatu. Ministry of Justices & Community Services. 2014. <https://mjcs.gov.vu/index.php/justice-sector>.
- 20 Government of Vanuatu. Ministry of Justice and Community Services Annual Report. 2017. https://mjcs.gov.vu/images/reporting/ANNUAL_REPORT_-_2018_MJCS_CSU_-_09.05.18_-_DRAFT_V11.0.pdf.
- 21 U.S. Embassy- Port Moresby. Reporting, December 28, 2014.
- 22 U.S. Embassy Port Moresby official. Email communication to USDOL official. February 15, 2017.
- 23 Government of Vanuatu. Vanuatu National Child Protection Policy 2016–2026. 2016. http://www.mjcs.gov.vu/images/policy/Vanuatu_National_Child_Protection_Policy_2016-2026_FINAL_Nov16.pdf.
- 24 UN Committee on the Rights of the Child. Consideration of reports of States parties: Replies of Vanuatu to the list of issues. August 17, 2017: CRC/C/VUT/Q/2/Add.1. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkGId/PPRiCAqhKb7yhsvLY7XvhK/OZc0Mh9WtkqV6zJbSeGm9VPHjyZE9JCSRhuJINFE3dAXEUgN9IFCvFnHpK00D1liIN23rx7aTA02BtgdNL96UgSmtnpGG8HIGuxQU6+3uHPCqk5bWqv6Q==>.
- 25 U.S. Embassy Port Moresby. Email communication to USDOL official. July 5, 2019.
- 26 Government of Vanuatu, Ministry of Education and Training. Child Safeguarding Policy 2017–2020. April 7, 2017. https://moet.gov.vu/docs/press-releases/ministry/MoET_Child_Safeguarding_Policy_2017_04_2017.pdf.
- 27 UN. United Nations Pacific Strategy 2018–2022: A Multi-Country Sustainable Development Framework in the Pacific Region. 2017. https://www.unicef.org/about/execboard/files/Final_UNPS_2018-2022_Pacific.pdf.