



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: VANUATU**

***THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<b>YES</b> , under the 2006 Annual Review (AR). Vanuatu joined the ILO in 2003.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the Vanuatu Chamber of Commerce and Industry (VCCI) and the Vanuatu National Workers' Union (VNWU) by means of consultation and communication of a copy of Government's reports.  <b>AR. 2007:</b> The updated report had been communicated to VCCI and VNWU.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2006 AR:</b> Observations by the VCCI.	
	<b>Workers' organizations</b>	<b>2008 AR:</b> Observations by the VNWU. <b>2007 AR:</b> Observations by the VNWU. <b>2006 AR:</b> Observations by the VNWU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Vanuatu has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182) (hereinafter, C.182.), but not the Minimum Age Convention, 1973 (No.138) (C.138).</b>  Vanuatu ratified in 1992 the United Nations Convention on the Right on the Child (CRC).
		<b>Ratification intention</b>	<b>YES, in process for C.138.</b>  <b>2008 AR:</b> According to the VNWU: There are few hurdles that Vanuatu has to deal with first before engaging in ratification of C.138.  <b>2007 AR:</b> According to the Government: Vanuatu has already ratified C.182. C.138 has also been ratified by the Parliament of the Republic of Vanuatu, and it is being processed to the ILO for final registration.  <b>2006 AR:</b> The Government intended to ratify very soon C.138 and C.182. It had also initiated a Labour Law Reform in association with the social partners and the ILO in order to ensure compliance of national laws with the provisions of these instruments. Ratification of C.29 and C.105 is supported by the VCCI and the VNWU. The Government requested ILO's support in the ratification process.

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>NO</b>
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b></li> </ul> <b>NO, however:</b> <b>2008 AR:</b> The Government indicated that it had set up the Decent Work Programme, which includes the PR. <b>2006 AR:</b> The Government intended to adopt a policy on the principle and right (PR) <ul style="list-style-type: none"> <li>• <b>Legislation</b></li> </ul> The relevant provisions regarding this principle and right are found in the Employment Act (CAP 160), 1983; sections 39-44 provide for the minimum age for admission to employment ranging from 12 (with exceptions) to 18 depending on the type of work performed.
		<b>Basic legal provisions:</b>	The Employment Act (CAP160), 1983 (sections 39-44).
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Compulsory education</b>	<b>NO</b>
<b>Minimum age</b>		<b>NO</b> <b>Hazardous work: not defined.</b>	
<b>Worst Forms of Child Labour</b>		<b>No specific laws or regulations, however:</b> <b>2006 AR:</b> The Government indicated that steps were being taken to modify existing legislation or introduce new legislation to address the elimination of any of the worst forms of child labour. Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced or compulsory labour; forced recruitment for armed conflict; do not exist amongst boys and nor girls.	
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	<b>NO</b>
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>		<b>Information/Data collection and dissemination</b>	<b>NO, however:</b> <b>2006 AR:</b> Vanuatu has carried out, in cooperation with the Government of Australia, several surveys on children, including child labour and its worst forms. The last population census was held in 1999, and the lowest age of persons for whom questions were asked about economic activity was 15 years.
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2008 AR:</b> According to the Government: a Tripartite Steering Committee, comprised of Government's, employers' and workers' representatives, was created. <b>2006 AR:</b> According to the Government: Specific measures/programmes have been implemented in the country to bring about the effective abolition of child labour. As part of the Pacific Children's Programme funded by the Government of Australia, Vanuatu has carried out several surveys on children, including child labour and its worst forms.	

		<p>With a view to bringing about the effective abolition of child labour, legal reform and inspection/monitoring mechanisms are being envisaged to enforce minimum age(s) for admission to employment/work and/or to eliminate the worst forms of child labour. However, no special attention is given to the needs of particular groups of children, including those working in the informal sector.</p>		
<p><b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b></p>	<p><b>Promotional activities</b></p>	<p><b>2008 AR:</b> According to the Government: awareness raising activities on labour legislation are currently ongoing in Port Villa and will be extended to the other islands of Vanuatu in the coming year.</p> <p><b>2007 AR:</b> A tripartite delegation of Vanuatu participated in the Celebration of the 30<sup>th</sup> of the ILO Presence in the Pacific Region organized in Suva, Fiji in December 2005. During this event, the Government of the Republic of Vanuatu presented a Letter of Intent to ratify all ILO fundamental Conventions.</p> <p><b>2006 AR:</b> According to the Government: A labour law reform is being carried out in Vanuatu in consultation with the ILO.</p>		
		<p><b>Employers' organizations</b></p>	<p><b>2006 AR:</b> According to the VCCI: Although this PR is adequately recognized in Vanuatu, the main obstacles that have been encountered in the country in realizing the PR are as follows: (i) School fees are high and many people cannot afford to pay them – this might encourage child labour; and (ii) lack of adequate legislation (uncertainty of the law).</p>	
		<p><b>Workers' organizations</b></p>	<p><b>2008 AR:</b> According to the VNWU: (i) the appointment to the Labour Advisory Board is not nominated by the trade union movement. Therefore, all attempts to implement all ratified ILO Conventions effectively in the country are being sidestepped by the Commissioner of Labour; (ii) no attempt by the Government has been initiated to promote new tripartite activities following discussions with ILO representatives.</p> <p><b>2007 AR:</b> According to the VNWU: Without proper knowledge, trade unions cannot assess the realization of the PR in Vanuatu satisfactorily. They do not have the capacity to provide information on the real situation and that is the challenge. The ILO needs to assist the union to work out the kind and amount of technical cooperation needed. Moreover, it is only when reacting to issues raised by unions that the Government can then dialogue with them. Therefore, there is an urgent need to set up immediately a Tripartite Consultative Meeting as has been requested by the trade union movement over the last 10 years.</p> <p><b>2006 AR:</b> According to the VNWU: The main obstacles that have been encountered in Vanuatu in realizing the PR are as follows: (i) lack of adequate legislation; (ii) lack of workers' education programme on the PR; (iii) lack of public awareness and support on child labour issues; (iv) social and economic circumstances together with poverty bring about child labour, mostly at home; (v) lack of free and compulsory system also feeds child labour in Vanuatu; and (vi) some cases of prostitution exist among high school girls and a few high school boys in order to pay for school fees.</p>	
	<p><b>According to the Government</b></p>	<p><b>2008 AR:</b> The Government indicated that tripartite discussions on the PR are weak.</p> <p><b>2006 AR:</b> According to Government: The main obstacle that has been encountered in Vanuatu in realizing the PR is that the concept of child labour is not understood and recognized. This explains why there is no minimum age for admission to employment or work, nor compulsory schooling age. In response to the VCCI's and VNWU's observations, the Government mentioned that in the forthcoming labour law reform, wide consultations including the Ministry of Education and VCCI would be organized in view of tackling the issue of child labour and ensuring that this PR is fully realized in Vanuatu.</p>		

<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p><b>2008 AR:</b> According to the Government: ILO technical assistance is required regarding labour law review and capacity building. The VNWU required ILO assistance for more training and for organizing tripartite discussions as soon as possible.</p> <p><b>2007 AR:</b> In the light of new ratifications, the Government Vanuatu requests ILO technical cooperation to carry out a case study on the realization of the Fundamental Principles and Rights at Work in the country. This case study should be validated by a national workshop on this issue with recommendations on how to better realize these principles and rights in the country. Labour officers and employers' and workers' representatives also need further ILO training at national and international levels. According to the VNWU: Without any training on C.138 and C.182, the consultations were not comprehensive enough to rule out child labour.</p> <p><b>2006 AR:</b> According to Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Vanuatu in particular in the following areas, in order of priority: (1) Legal reform; policy advice; data collection and analysis; ; employment creation, skills training and income generation; special programme for the elimination of the worst forms of child labour; (2) Capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; social protection systems; awareness raising, legal literacy and advocacy; (3) Sharing of experiences across countries/regions; cross-border cooperation mechanisms; inter-institutional coordination; training of other officials (police, judiciary, social workers, teachers). These priorities may be satisfied through the preparation (survey and validation seminar) and launch of a national IPEC Programme for Vanuatu. The employers' and workers' organizations supported the Government's request that a national IPEC Programme should be launched in Vanuatu. They also mentioned specific needs for ILO technical cooperation to facilitate the realization of the PR in Vanuatu. According to the VCCI: (i) capacity building of the VCCI in promoting the PR among employers in Vanuatu; and (ii) labour law reform.  According to the VNWU: (i) legal reform, and (ii) workers' education programme.</p>
	<p><b>Offer</b></p>	<p>ILO (including labour law reform and assistance in reporting under the 2006 AR), UNESCO, UNICEF, UNDP, INTERPOL, the Government of Australia (Pacific Children Programme), the Government of New Zealand, and national NGOs.</p>
<p><b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b></p>		<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Vanuatu, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2007 AR:</b> The IDEAs noted the paucity of practical information of several reports, including the one of Vanuatu, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2006 AR:</b> The IDEAs noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Vanuatu and two other reporting countries there was no compulsory schooling (Cf. Paragraph 58 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p>
<p><b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b></p>	<p>NIL</p>	