

# Kiribati

## MODERATE ADVANCEMENT

*In 2013, Kiribati made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed the Children, Young People, and Family Welfare Act. The law includes provisions to enhance protections and access to services for children in need of care, including victims of sexual exploitation or exploitative labor. During the reporting period, the Director of Public Prosecutions led a human trafficking training for law enforcement officials. In addition, the Government collaborated with ILO-IPEC to conduct a child labor survey. It also continued initiatives to raise awareness about child protection issues, including commercial sexual exploitation. However, children in Kiribati continue to be found in the worst forms of child labor in commercial sexual exploitation. Kiribati still faces legislative, enforcement, and program gaps. The Government has not adopted a list of hazardous activities prohibited for children, and existing laws fail to fully protect children under 18 from all forms of commercial sexual exploitation. In addition, the Government did not make sufficient efforts to identify or provide services to children in commercial sexual exploitation.*



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kiribati are engaged in the worst forms of child labor in commercial sexual exploitation.(1-9) Table 1 provides key indicators on children’s work and education in Kiribati. 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)	5-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		115.2

Source for primary completion rate: Data from 2008, published by UNESCO Institute for Statistics, 2014.(10)

Source for all other data: Understanding Children’s Work Project’s analysis, 2014.(11)

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
Services	Street vending* (3, 4, 7, 8)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (1-9)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

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







In Kiribati, children, including girls as young as 14, are engaged in commercial sexual exploitation both aboard foreign fishing vessels in Kiribati’s waters and in establishments on land, including hotels and bars. Evidence suggests that crewmembers of foreign fishing vessels account for much of the demand for children in the commercial sex sector.(1-3, 5, 6, 8, 9) Girls typically received financial support, food, alcohol, or goods in exchange for sexual services.(5, 8)

The Government worked with ILO-IPEC to conduct a child labor survey, the results of which had not yet been released during the reporting period.(3, 9, 12)

## II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Kiribati 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 relevant laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Employment Ordinance (13)
Minimum Age for Hazardous Work	Yes	18	Employment (Amendment) Act (14)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Constitution, Penal Code, Employment Ordinance (8, 13, 15)
Prohibition of Child Trafficking	Yes		Measures to Combat Terrorism and Transnational Organized Crime Act (16)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Penal Code (15)
Prohibition of Using Children in Illicit Activities	Yes		Penal Code (15)
Minimum Age for Compulsory Military Recruitment	N/A*		Kiribati has no regular military force.(4, 17, 18)
Minimum Age for Voluntary Military Service	N/A*		Kiribati has no regular military force.(4, 17, 18)
Compulsory Education Age	Yes	15	Education Ordinance (3, 19)
Free Public Education	Yes		Education Ordinance (19)

\*No conscription or no standing military.

In 2013, Kiribati enacted the Children, Young People, and Family Welfare Act.(4, 20) The law includes provisions to enhance protection for and access to services for children in need of care, including those under age 18 who have been harmed or are at risk of harm by means of prostitution, pornography, or hazardous labor. The law also calls for enhanced coordination of care for these populations.(20) The Government has also drafted the Juvenile Bill, which addresses various forms of child exploitation, including child commercial exploitation and child labor. However, the bill was not passed during the reporting period.(3, 21)

The Government has not developed a list of hazardous work activities prohibited for children but is commencing the process of drafting one.(3, 9, 22)

Article 136 of the Penal Code prohibits the procurement of any girl under age 18 for prostitution. Articles 141 and 142 prohibit the use of children under 15 for immoral and unlawful activities, including prostitution, and Article 166 outlaws obscene publications.(15) A 2010 amendment to the foreign fishing license regulations holds ship captains accountable for unauthorized persons discovered on their vessels. The regulation has been used to protect women and girls from commercial sexual exploitation aboard foreign vessels.(23) Despite these provisions, the law does not

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fully protect children from commercial sexual exploitation. Article 136 of the Penal Code does not protect boys from being procured for prostitution. Articles 141 and 142 do not prohibit the use of children ages 15 to 17 for commercial sexual exploitation, and the law lacks explicit prohibitions on child pornography and sex tourism.(3, 8, 9, 15) Article 142 of the Penal Code fails to protect children ages 15 to 17 from use in illegal activities.(15) The Government has developed a draft Employment and Industrial Relations Act, which, if passed, is expected to address these gaps.(9)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

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

Organization/Agency	Role
Ministry of Labor and Human Resources Development (MOL)	Enforce labor laws, including those related to child labor.(1, 3, 4, 9) Does not have dedicated labor inspectors. Seven labor officers, six of whom are based in capital city of Tarawa, tasked with conducting inspections in addition to other duties.(4)
Kiribati Police Force (KPF)	Enforce criminal laws related to the worst forms of child labor. Includes a specialized Domestic Violence and Sexual Offenses Unit, which is involved in cases of human trafficking and sexual exploitation of children.(3, 4) Often partners with Ministry of Women, Youth, and Social Affairs (MWYSA) in cases requiring protective services for minors.(4)
Kiribati Director of Public Prosecutions (DPP)	Responsible for criminal prosecutions, including those related to the worst forms of child labor.(24)

Law enforcement agencies in Kiribati took actions to combat child labor, including its worst forms, during the reporting period.

#### *Labor Law Enforcement*

The Ministry of Labor (MOL) has suggested that the number of officers is insufficient to conduct inspections outside of Tarawa but budget constraints prevent additional hiring.(1, 3, 4) During the reporting period, MOL conducted labor inspections in August, and the Ministry reports that no child labor violations were discovered.(4) Information on the number of inspections conducted is not available. The Government does not have a mechanism to record child labor violations discovered or reported, penalties and fines imposed for child labor violations, or the number of children assisted as a result of inspections.(3, 4, 25)

#### *Criminal Law Enforcement*

During the reporting period, the Kiribati Director of Public Prosecutions (DPP) participated in training on trafficking in persons in Fiji. The training was organized by the U.S. Embassy in Suva and U.S. Immigration and Customs Enforcement. Subsequently, the DPP conducted training in Tarawa for Kiribati's law enforcement officials.(4)

In 2013, the Government continued to monitor Kiribati's shoreline and enforce the foreign fishing license regulations that hold ship captains accountable for unauthorized persons discovered on their vessels, including girls engaged in commercial sexual exploitation.(5, 9)

Despite its enforcement efforts, the Government does not keep information on the number of investigations, violations, and prosecutions related to the worst forms of child labor.(4)

### IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Research found no evidence that the Government has an active mechanism to coordinate its efforts to address child labor, including its worst forms. The Kiribati National Advisory Committee on Children (KNACC) was a multiagency body, tasked with implementing the CRC, including with regard to the worst forms of child labor.(2, 3, 26) However, the KNACC is no longer active.(4) The newly formed Ministry of Women, Children, and Social Affairs (MWCSA) has drafted terms of reference for a reconstituted KNAAC, including an extensive role for MWCSA. Once approved internally, the terms of reference will be sent to cabinet for approval later this year.(24)

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Kiribati has established policies related to child labor, including its worst forms (Table 6).

**Table 6. Policies Related to Child Labor**

Policy	Description
Children, Young People, and Families Welfare System Policy	Focuses on strengthening the welfare system, in part by implementing services to prevent the abuse, violence, neglect, and exploitation of children and young people, including in the forms of sexual abuse and hazardous labor.(25, 27)
Signatory to Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region	Commits signatories to advancing efforts to protect children's rights, including with regard to child labor, child trafficking, and child pornography.(28)
Child Protection Program*	Aims to reduce all forms of child exploitation in the Pacific Islands through enhanced legal protections and access to justice, well-informed and coordinated social protection services, and safe and healthy home and community environments.(26, 29)

\* The impact of this policy on child labor does not appear to have been studied.

## VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Kiribati participated in and funded programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 7).

**Table 7. Social Programs to Address Child Labor**

Program	Description
Hotline‡	MWYSA-supported 24-hour hotline for children to report violations, request information, or obtain access to services.(4)
Awareness Raising Programs	MWYSA weekly radio program and workshops with community and educational leaders to address child protection issues, including commercial sexual exploitation of children.(5, 21) Government-UNICEF collaborative programs to increase children's awareness about human rights issues in Kiribati.(3, 4, 25)
Educational Improvement Program*	Government program to provide greater protection and educational opportunities to children through policy and legislative review, workforce development, improvement of school curriculum, and infrastructure development in the education sector.(1, 30)

\* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Kiribati.

Although Kiribati has programs that target commercial sexual exploitation of children, the scope of these programs is insufficient to fully address the scope of the problem. Specifically, the Government does not have programs to identify and offer targeted services to victims.(5)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Kiribati (Table 8).

**Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Ratify the CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	2013
	Finalize and pass the Juvenile Bill.	2011 – 2013
	Finalize and adopt the list of hazardous work activities.	2011 – 2013
	Amend legislation to explicitly protect all children under 18 from all forms of commercial sexual exploitation, including child pornography and sex tourism.	2010 – 2013
	Amend Penal Code to protect all children under 18 from use in illicit activities.	2013
Coordination	Approve the new terms of reference for the KNACC and ensure the body meets regularly.	2013
Enforcement	Allocate sufficient resources to investigate and combat the worst forms of child labor.	2010 – 2013

**Table 8. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)**

Area	Suggested Action	Year(s) Suggested
Enforcement	Collect and make publicly available the following data: <ul style="list-style-type: none"> <li>■ labor inspections and resulting violations, penalties, fines, and children served</li> <li>■ criminal investigations, violations, and prosecutions related to the worst forms of child labor</li> </ul>	2012 – 2013
Social Programs	Assess the impact the Education Improvement Program may have on child labor.	2012 – 2013
	Implement programs to sufficiently identify and serve victims of commercial sexual exploitation of children.	2009 – 2013

## REFERENCES

- U.S. Embassy- Suva. *reporting, January 18, 2012.*
- U.S. Embassy- Suva. *reporting, November 30, 2011.*
- U.S. Embassy- Suva. *reporting, January 31, 2013.*
- U.S. Embassy- Suva. *reporting, January 17, 2014.*
- U.S. Department of State. “Kiribati” in *Trafficking in Persons Report- 2013*. Washington, DC; June 19, 2013; <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.
- Goldberg, J. “Drowning Kiribati.” *Bloomberg Businessweek*, (2013); <http://www.businessweek.com/articles/2013-11-21/kiribati-climate-change-destroys-pacific-island-nation>.
- Humanium. “Children of Kiribati.” humanium.org [online] April 2, 2013 [cited January 27, 2014]; <http://www.humanium.org/en/kiribati/>.
- U.S. Department of State. “Kiribati,” in *Country Reports on Human Rights Practices- 2013*. Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.
- ILO Committee of Experts. *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kiribati (ratification: 2009) Submitted: 2014*; accessed April 8, 2014; <http://www.ilo.org/ilolex/english/iloquery.htm>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*. [accessed February 4, 2014]; <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*. Analysis received February 13, 2014. 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.
- ILO Committee of Experts. *Direct Request concerning Minimum Age Convention, 1973 (No. 138) Kiribati (ratification: 2009) Submitted: 2014*; accessed April 8, 2014; <http://www.ilo.org/ilolex/english/iloquery.htm>
- Government of the Republic of Kiribati. *Employment Ordinance*, enacted April 22, 1966. hard copy on file.
- Government of the Republic of Kiribati. *Employment (Amendment) Act 2008*, enacted May 15, 2008. <http://www.parliament.gov.ki/act/2008/Employment%20%28Amendment%29%20Act%202008.pdf>.
- Government of the Republic of Kiribati. *Penal Code*, PC66, enacted October 18, 1965. [http://www.paclii.org/ki/legis/consol\\_act/pc66/](http://www.paclii.org/ki/legis/consol_act/pc66/).
- Government of the Republic of Kiribati. *Measures to Combat Terrorism and Transnational Organized Crime Act*, enacted June 14, 2005. [http://www.paclii.org/ki/legis/num\\_act/mctatoca2005608/](http://www.paclii.org/ki/legis/num_act/mctatoca2005608/).
- Child Soldiers International. “Appendix II: Data Summary Table on Recruitment Ages of National Armies,” in *Louder Than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; [http://www.child-soldiers.org/global\\_report\\_reader.php?id=562](http://www.child-soldiers.org/global_report_reader.php?id=562).
- The World Factbook: Kiribati*, Central Intelligence Agency, [online] December 21, 2011 [cited February 2, 2012]; <https://www.cia.gov/library/publications/the-world-factbook/geos/kr.html>.
- U.S. Embassy Suva official. E-mail communication to USDOL official. March 22, 2010.
- Government of the Republic of Kiribati. *Children, Young People, and Family Welfare Act 2012*, enacted May 17, 2013. hard copy on file.
- U.S. Embassy- Suva. *reporting, February 14, 2013.*
- International Labour Office. *Children in hazardous work: What we know, what we need to do*. Geneva, International Labor Organization; 2011. [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_155428.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_155428.pdf).
- U.S. Department of State. “Kiribati” in *Trafficking in Persons Report- 2012*. Washington, DC; June 19, 2012; <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>
- U.S. Embassy Suva official. E-mail communication to USDOL official. March 11, 2014.
- U.S. Embassy Suva official. E-mail communication to USDOL official. February 24, 2013.
- UNICEF Pacific. *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Kiribati*. Suva; October 2009. [http://www.unicef.org/pacificislands/UNICEF\\_KIRIBATI\\_REPORT\\_Feb.pdf](http://www.unicef.org/pacificislands/UNICEF_KIRIBATI_REPORT_Feb.pdf)
- Government of Republic of Kiribati. *Children, Young People, and Families Welfare System Policy*. Tarawa; April 2012. hard copy on file.
- The Beijing Declaration on South-South Cooperation for Child Rights in the Asia Pacific Region*. New York, UNICEF; November 4-6, 2010. [www.unicef.org/eapro/Beijing\\_Declaration.docx](http://www.unicef.org/eapro/Beijing_Declaration.docx).
- U.S. Embassy Suva official. E-mail communication to USDOL official. May 2, 2011.
- Kiribati Education Improvement Program- KEIP [video]. Canberra: AusAIDvideo; July 2, 2011, 09 min., 58 sec., [accessed February 2, 2012]; <http://www.youtube.com/watch?v=x1eGbSAEV2M>.