

In 2015, Tuvalu made a minimal advancement in efforts to prevent the worst forms of child labor. The Government drafted a new Labor and Employment Relations Bill, which includes provisions to bring national legislation into alignment with international labor standards related to the worst forms of child labor. However, although research is limited and the problem does not appear to be widespread, children in Tuvalu are engaged in child labor in fishing. Gaps remain in the Government's legislative framework. Children ages 15 through 17 are not protected from hazardous work and children are not adequately protected from commercial sexual exploitation. In addition, the Government has not collected data to determine the prevalence and nature of the worst forms of child labor in the country to inform policy and program development.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited and the problem does not appear to be widespread, children in Tuvalu may be engaged in child labor in fishing. (1-3) Table 1 provides key indicators on children's work and education in Tuvalu. 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 (%)		93.2

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(4)
Data were unavailable from Understanding Children's Work Project's analysis, 2015.(5)

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	Fishing,* activities unknown (1-3)

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

Tuvalu lacks data to determine the prevalence and nature of child labor, including its worst forms, in the country.



II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Tuvalu has ratified one key international convention 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	

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	

The Government has established 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	Article 84 of the Employment Act (6)
Minimum Age for Hazardous Work	Yes	15	Articles 85–87 of the Employment Act (6)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 85–87 of the Employment Act (6)
Prohibition of Forced Labor	Yes		Article 75 of the Employment Act; Articles 244 and 249 of the Penal Code; Article 68 of the Counter Terrorism and Transnational Organized Crime Act; Article 18 of the Constitution of Tuvalu (6-9)
Prohibition of Child Trafficking	Yes		Article 68 of the Counter Terrorism and Transnational Organized Crime Act; Articles 136 and 244 of the Penal Code (7, 9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 136, 137, 139–143, and 166 of the Penal Code (7)
Prohibition of Using Children in Illicit Activities	No		Articles 141–142 of the Penal Code (7)
Minimum Age for Compulsory Military Recruitment	N/A†		
Minimum Age for Voluntary Military Service	N/A†		
Compulsory Education Age	Yes	15	Education (Compulsory Education) Order (10)
Free Public Education	No		

† No standing military (11)

During the reporting period, the Government of Tuvalu drafted a new Labor and Employment Relations Bill, which includes provisions to bring national legislation into compliance with international labor standards related to the worst forms of child labor.(12, 13) As it currently stands, Tuvalu’s Employment Act does not clearly establish 18 as the minimum age for hazardous work in accordance with international standards.

Tuvalu’s law does not adequately prohibit the commercial sexual exploitation of children. Although the Penal Code prohibits the procurement, use, and offering of girls under age 18 and boys under age 15 for prostitution, boys 15 through 17 are left unprotected.(7, 14) In addition, although pornography is illegal in Tuvalu and the Penal Code includes penalties for those who make, distribute, or possess obscene publications, it does not specifically address obscene publications featuring children, nor does it criminalize the use, procurement, or offering of a child for pornography or pornographic performances.(7, 15, 16) In addition, laws related to illicit activities are insufficient. The law criminalizes the procurement of children younger than 15 for unlawful and immoral purposes, but fails to criminalize the use, procurement, or offering of all children for the production and trafficking of drugs.(7)

Child trafficking is prohibited in Tuvalu; however, the law prescribes a harsher punishment for individuals involved in the trafficking of adults than for those involved in the trafficking of children.(9)

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

Research found no evidence that law enforcement agencies in Tuvalu took actions to combat child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor	Enforce labor laws, including those related to child labor.(17)
Tuvalu Police Force	Enforce criminal laws related to the worst forms of child labor.(17)

Labor Law Enforcement

In 2015, labor law enforcement agencies in Tuvalu did not take actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown (17)	Unknown (12)
Number of Labor Inspectors	2 (17)	2 (12)
Inspectorate Authorized to Assess Penalties	No (13)	No (13)
Training for Labor Inspectors		
■ Initial Training for New Employees	Unknown	Unknown (12)
■ Training on New Laws Related to Child Labor	N/A	N/A
■ Refresher Courses Provided	Unknown	Unknown (12)
Number of Labor Inspections	0 (17)	Unknown (12)
■ Number Conducted at Worksites	0 (17)	Unknown (12)
■ Number Conducted by Desk Reviews	0 (17)	Unknown (12)
Number of Child Labor Violations Found	0 (17)	0 (12)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (17)	N/A (12)
■ Number of Penalties Imposed That Were Collected	N/A	N/A
Routine Inspections Conducted	No (17)	Unknown
■ Routine Inspections Targeted	No (17)	Unknown
Unannounced Inspections Permitted	Yes (6)	Yes (6)
Unannounced Inspections Conducted	Unknown	Unknown
Complaint Mechanism Exists	No (13)	No (13)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown	Unknown

Funding for inspections is covered by the Department of Labor’s overall budget. Information was not available on the specific amount of funds allocated for this purpose, although reports indicate that the Government does not have sufficient resources to formally monitor and enforce child labor laws.(13, 18)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Tuvalu did not take actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Unknown (17)	Unknown (12)
■ Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
■ Refresher Courses Provided	Unknown (17)	Unknown (12)
Number of Investigations	Unknown (17)	Unknown (12)
Number of Violations Found	Unknown (17)	Unknown (12)
Number of Prosecutions Initiated	Unknown (17)	Unknown (12)
Number of Convictions	Unknown (17)	Unknown (12)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (17)	Unknown (12)

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

The National Advisory Committee on Children, chaired by the Ministry of Education, is responsible for coordinating general children's issues across government agencies. The Committee monitors and reports on the Government's efforts to fulfill its commitments under the UN CRC.(12) However, research found no evidence that the Committee functions as a coordinating mechanism to address child labor, including its worst forms.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Tuvalu has established policies related to child labor, including its worst forms (Table 8).

Table 8. Policies Related to Child Labor

Policy	Description
National Strategy for Sustainable Development (<i>Te Kekeega II</i>) (2005–2015)*	Seeks to promote sustainable livelihoods by developing the private sector and promoting the effective use of public resources. Focuses on improving the access to and the quality of education for Tuvaluan children.(17, 19)
Tuvalu Education Strategic Plan II (2011–2015)*	Aims to enhance the quality of education at all levels, from early childhood through secondary, technical, and vocational education. Priority areas include improving curriculum and assessment measures, increasing student achievement, enhancing the quality and efficiency of management, developing human resources, and strengthening strategic partnerships.(20)
Education and Training Sector Master Plan*	Offers alternative education and training opportunities for children, especially those who have dropped out of school.(21) Implemented by the Ministry of Education.(16, 21)
Free Education Policy*	Establishes free education for children ages 6 through 13.(20-23) Free education in Tuvalu is not guaranteed by law.
National Youth Policy*†	Establishes a framework for youth engagement in national decision making processes, especially related to climate change.(24)
UNDAF for the Pacific Region (2013–2017)*	Promotes sustainable development and economic growth for vulnerable groups in 14 Pacific Island countries and territories: Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(25) In Tuvalu, aims to increase children's access to health, education, and social protection systems.(26)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was approved during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Tuvalu funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Social Programs to Address Child Labor

Program	Description
Decent Work Country Program	ILO-implemented program that aims to strengthen Tuvalu's labor laws, support the ratification of ILO C. 182, and improve labor market monitoring systems by collecting recent statistics on child labor. Seeks to improve labor market information and calls for the inclusion of child labor modules in planned household surveys.(27)
Education for All Program	Australian Government-funded program to improve access to quality education in Tuvalu. Objectives include increasing capacities in education planning and administration, teacher training, and early grade literacy.(23) Since 2012, has helped more than 18 vocational teachers throughout Tuvalu to graduate from the Australian Pacific Technical College in courses related to training and assessment, and to early childhood education.(23)
Community Post-Primary Vocational Program†	Ministry of Education program that provides vocational training to children in the outer islands. Frequency of training sessions depends on the availability of trainers.(23)
High School Vocational Training Program†	Government-funded vocational training program at Motufoua Secondary School that provides Fiji National University-accredited vocational training to students starting at year 13.(23)

† Program is funded by the Government of Tuvalu.

In July 2015, Tuvalu participated in the ILO's Sub-Regional Skills and Livelihood Training for Older Out-Of-School Children in Child Labor or At Risk in the Pacific. The training focused on highlighting opportunities for skill development for children

under 18 who are at risk for child labor, as well as identifying opportunities for mainstreaming skill development initiatives into existing social programs.(28) Research found no evidence of programs to specifically address child labor in the agricultural sector.

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 Tuvalu (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 182 on the Worst Forms of Child Labor.	2013 – 2015
	Ensure that the law establishes the minimum age for hazardous work at 18 years old.	2009 – 2015
	Ensure that the law comprehensively protects all children from commercial sexual exploitation; including by criminally prohibiting the use, procurement, and offering of boys ages 15 through 17 for prostitution and all children for the production of pornography and for pornographic performances.	2009 – 2015
	Ensure that the law criminally prohibits the use, procurement, and offering of all children for illicit activities, including the production and trafficking of drugs.	2013 – 2015
	Ensure that the law prescribes strengthened penalties for child trafficking.	2015
Enforcement	Dedicate sufficient resources to child labor law enforcement, particularly with regard to inspections.	2009 – 2015
	Make information publicly available on the enforcement of laws related to child labor, including the number and type of labor inspections conducted and the training provided for labor inspectors and investigators.	2009 – 2015
	Authorize the labor inspectorate to assess penalties for child labor violations.	2015
	Establish a mechanism to receive child labor complaints.	2015
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2009 – 2015
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2010 – 2015
Social Programs	Conduct research to better understand the extent and nature of child labor, including its worst forms, in Tuvalu.	2010 – 2015
	Institute programs to address child labor in the agricultural sector.	2009 – 2015

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