

Tuvalu

In 2011, Tuvalu made no advancement in efforts to eliminate the worst forms of child labor. Although there is little available information, there are anecdotal reports that children are engaged in the worst forms of child labor in Tuvalu. During the reporting period, the Government of Tuvalu continued to implement education policies and programs to keep children in school. However, gaps remain in the Government's legislative framework to protect children from the worst forms of child labor. Children ages 15 to 17 are not prohibited from working in hazardous environments, and boys are not adequately protected from commercial sexual exploitation. In addition, there is no evidence that the Government has collected data to determine the prevalence and nature of the worst forms of child labor in the country.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		99.2

Sources:

Primary completion rate: Data from 2006, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is little available information about the extent and nature of the worst forms of child labor in Tuvalu. However, there are anecdotal reports that children work in dangerous activities in farming and fishing.(3-5) Children engaged in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(5) Children involved in fishing are at risk of injuries and drowning.(6)

Members of the international community have raised concerns that children in Tuvalu may be exploited in commercial sexual activities, particularly in prostitution. The Government has stated that this is not a significant problem.(7, 8) However, the economic transition underway in the country is moving Tuvalu from a subsistence-based economy to a monetized economy.

Similar transitions in other nations in the Pacific region have led some children to engage in commercial sexual activities in order to gain access to currency.(9)

Anecdotal evidence suggests that children are also engaged in street work, sometimes selling flower garlands. Although these children work on the streets, at night in dangerous neighborhoods and work unsupervised.(10) Children working on the streets are vulnerable to severe weather, traffic accidents and crime.(11)

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for paid employment at 14.(12) The law allows a child as young as age 14 to enter into a 5-year apprenticeship without providing any restrictions on the type of work that a child apprentice may perform. These trainees may lawfully live

away from their families, increasing the child's vulnerability to exploitation.(4, 12)

The law prohibits children younger than age 15 from industrial work and work on ships. However, children age 14 may work in industrial undertakings with the approval of the Labor Minister and on training ships with the approval and supervision of a public authority.(3, 10, 12) There are no protections against other types of work for children age 14.(12)

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

The Employment Act allows employers to hire a boy to work underground in a mine, aboard a ship or during the night starting at age 16 with certain restrictions. Boys must also obtain required medical exams or approval from the Commissioner of Labor.(10, 12) There are no protections against other types of work for children age 16 to 17.(12) There are no restrictions preventing girls 15 and above from performing work underground in a mine, aboard a ship or during the night.(12)

Children in Tuvalu are not legally prevented from working in any unhealthy environment or engaging in any hazardous activities other than those named above. There are no legal protections covering exposure to dangerous substances, temperatures, noise levels or the operation of dangerous machinery, equipment and tools.(4, 12)

The Employment Act also empowers the Labor Minister to exclude any industry from child labor laws. While there is no information as to whether the country's Labor Minister has exercised this authority, children would be vulnerable to

exploitation if the Labor Minister exercised his or her authority to exclude an industry.(12)

The Employment Act prohibits forced labor.(12) In addition, the Penal Code prohibits employers and others from enslaving a child, forcing a child to work or otherwise constraining a child's movement.(13, 14) According to the Code, clients, facilitators and beneficiaries of the sex trade, as well as the minor's consenting guardian(s), are all penalized.(14) The Government has protective statutes in place for female victims of prostitution, but there are no legal protections for boys older than age 15.(14)

The 2008 revised Education (Compulsory Education) Order, made under the Education Act, makes education compulsory for children ages 7 to 15.(15)

The Penal Code also establishes punishments for child prostitution and for trafficking minors for sexual purposes. The Tuvalu Counter Terrorism and Transnational Organized Crime Act of 2009, provides additional protection for trafficking victims, particularly children.(16) It expressly forbids the trafficking of children into and within Tuvalu for any purpose. It also provides legal protections from criminal prosecution to trafficking victims.(16) Tuvaluan sentences for all sexual and trafficking offenses designate maximum but not minimum sentences which could lead to light sentences that are not commensurate with the gravity of the crime.(7, 14, 16) There were no confirmed reports of trafficking to, from, or within Tuvalu during the reporting period.(17)

Because the Government of Tuvalu does not maintain a military force, there is no legislation to address child soldiering or to establish a recruitment age for armed forces.(3)

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tuvalu has established a coordinating mechanism to combat the worst forms of child labor. However, the National Advisory Committee on Children (NACC) coordinates children's issues within the government. The Ministry of Education serves as the chair for the NACC.(3)

The enforcement of child labor laws primarily rests with the Department of Labor (DOL), which is part of the Ministry of Foreign Affairs and External Trade, Environment and Labor (MFEL).(3, 10) Reports indicate that the DOL has limited institutional capacity to carry out its duties.(4, 18-20) The DOL employs one officer to conduct all labor inspections, but

none were conducted during the reporting period.(3) There has never been a prosecution for child labor in Tuvalu.(21)

An additional challenge faced by the DOL is a lack of information and data concerning all forms of child labor. This hinders its ability to effectively target, carry out and measure enforcement efforts.(18)

Assisted by immigration officers, the Tuvalu Police Force is the primary agency responsible for enforcing efforts to combat child trafficking and commercial sexual exploitation of children.(3) When the court has reasonable cause to suspect that a female child is being subjected to commercial sexual exploitation, it may issue the Tuvalu Police Force a warrant to search the premises and arrest the accused individual(s). The law does not protect boys in similar circumstances.(14) When a case of commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for a female victim, but males lack this protection.(14)

During the reporting period, officials from the Police Department, the Ministry of Education, and members of the Nurses Association and the Tuvalu Family Health Association received training from the ILO on the worst forms of child labor.(3) However, research did not uncover the number of investigations of criminal worst forms of child labor conducted during the reporting period.

Government Policies on the Worst Forms of Child Labor

Through Education for Life, the national education policy in place since 1988, the Government has achieved virtually universal primary education.(7, 19) School is compulsory and free for 8 years until approximately age 15.(9, 15) According to the 2006-2010 Strategic Plan, the policies of the Tuvalu Department of Education (DOE) specifically target students who are at the greatest risk of being subjected to the worst forms of child labor including: children from low socioeconomic backgrounds, urban areas, isolated communities, girls, children with disabilities and school

dropouts.(22) However, research has not found the results of this Strategic Plan. During the reporting period the DOE created an Education Training Sector Master Plan to concentrate efforts on students that leave school after year eight, which is around age 13.(3) Still, the question of whether these policies have an impact on child labor does not appear to have been addressed.

The Government does not collect data on the worst forms of child labor. The United Nations Populations Fund provided financial assistance to Tuvalu in 2010 to launch Tuvalu's first labor force survey.(18) However, there has been no indication as to whether a child labor module will be included in the general labor market survey and the current status of this survey is unclear. No labor survey report was published in 2011.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Tuvalu is one of eight Pacific Island countries participating in an \$800,000 ILO program from 2010 to 2012 to align its labor laws with current international labor standards, including the ILO Conventions 182 and 138.(23) The program also intends to increase the capacity of labor administrators so that labor laws can be reviewed and enforced more effectively.(23, 24) In 2011, the Government of Tuvalu participated in the second year of a 2-year Decent Work Country Program (DWCP).(18) Among its many goals, the DWCP aims to strengthen the country's labor laws, support the ratification of ILO Convention 182 and improve labor market monitoring systems.(18) Other than these capacity building efforts, research found no evidence that the Government of Tuvalu implemented any programs during the reporting period to address child labor.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Tuvalu:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Expand the type of labor and worksites considered hazardous for children and raise the minimum age for hazardous work to 18.	2009, 2010, 2011
	Provide more protection for underage apprentices with regard to types of work and work sites in which they can and cannot work.	2009, 2010, 2011
	Clarify the provision allowing the Minister of Labor to exempt industries from child labor laws to ensure that sufficient protections are provided against the worst forms of child labor.	2009, 2010, 2011
	Ensure boys and girls are protected equally from hazardous work and commercial sexual exploitation.	2009, 2010, 2011
	Ensure punishments for all worst forms of child labor law violations are commensurate with the gravity of the crimes.	2009, 2010, 2011
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
	Compile national statistics on all child labor enforcement, including cases reported, investigated, prosecuted and closed.	2009, 2010, 2011
	Institute measures to increase the transparency and efficiency of Tuvalu government agencies in combating the worst forms of child labor.	2009, 2010, 2011
Policies	Publish the outcomes of the Department of Education’s Strategic Plan 2006-2010.	2011
	Assess the impact that existing policies may have on child labor in Tuvalu.	2010, 2011
	Progress with the labor force survey and consider including a child labor module.	2010, 2011
	Conduct a study to better identify the extent and nature of the worst forms of labor in Tuvalu in order to design appropriate policies and programs.	2010, 2011
Social Programs	Implement programs to address child labor in the sectors of most need as identified by research.	2009, 2010, 2011

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