

*In 2012, Tuvalu made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government of Tuvalu continued to implement educational programs in order to keep children in school and target children who have dropped out for alternative training. Tuvalu also participated in the ILO's Decent Work Country Program (DWCP), which aims to strengthen laws and collect recent statistics on child labor. However, gaps remain in the Government's legislative framework. Children ages 15 to 17 are not protected from work in hazardous environments and boys 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. Anecdotal evidence suggests that children in Tuvalu are engaged in the worst forms of child labor, particularly in dangerous activities in agriculture and fishing.*

#### 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, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis, 2013.(2)

#### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Anecdotal evidence suggests that children in Tuvalu are engaged in the worst forms of child labor, particularly in agriculture and fishing.(3, 4) There is little available information about the extent and nature of the worst forms of child labor in Tuvalu.(5) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(6, 7) Children engaged in fishing may work long hours, perform physically demanding tasks, and face dangers such as drowning.(8, 9)

The Government does not collect data on the worst forms of child labor and no labor survey report was published in 2012.

#### Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum age for employment at 14. Tuvaluan law does not protect all children under 18 from hazardous work, and there is no hazardous work list. (10) The Employment Act prohibits boys ages 15 and younger from working on ships, underground in mines, and in industrial undertakings at night, but permits boys ages 16 to 17 to engage in these same types of work with certain restrictions. The Employment Act also prohibits children ages 14 and younger from working on ships for non-training purposes and from working in industrial undertakings.(10) However, there are no restrictions preventing girls ages 15 to 17 from performing work in underground mines, aboard ships, or during the night.(10)

The Employment Act also allows children to enter into 5-year apprenticeship programs beginning at age 14. Apprentices may legally live away from their families, increasing their vulnerability to exploitation.(10) The Labor Minister may exempt any industry from provisions of the Employment Act, including those provisions related to child labor.(10)

# Tuvalu

## International Conventions and Selected Laws on Child Labor and Education

	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 prohibits forced labor.(10) 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.(11, 12) The Penal Code calls for clients, facilitators, and beneficiaries of child sex work, as well as the minor's consenting guardian(s), to be penalized.(11) The Penal Code also establishes punishments for persons who employ or use children for prostitution and for the trafficking of minors for sexual purposes. While the law protects female victims of prostitution, there are no legal protections for boys older than age 15.(11) All pornography is illegal in Tuvalu, and the Penal Code includes penalties for those who make, distribute, or possess obscene publications.(5, 11, 13) However, Tuvaluan law does not specifically address or apply higher penalties for child pornography.(4)

The Tuvalu Counter Terrorism and Transnational Organized Crime Act of 2009 provides additional protection for trafficking victims, particularly children. It expressly forbids the trafficking of children into and within Tuvalu or to another country for any purpose. It also provides trafficking victims with legal protections from criminal prosecution. Tuvaluan laws regarding sexual and trafficking offenses, including those involving minors, designate maximum but not minimum sentences; this could lead to light sentences that are not commensurate with the gravity of the crime.(11)

The Government of Tuvalu does not maintain a military force, and therefore there is no military conscription.(3)

The Education (Compulsory Education) Order makes education compulsory for children ages 6 to 15.(5, 14) However, education is free for children only until age 13.(5) Because of the gap between the age to which education is free and the minimum age for work, families of children ages 13 to 14 may be unable to afford schooling, and these children may be vulnerable to the worst forms of child labor.

## 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. The National Advisory Committee on Children (NACC) is responsible for coordinating children's issues. The Ministry of Education chairs the NACC.(3, 5)

The Department of Labor (DOL) within the Ministry of Foreign Affairs and External Trade, Environment, and Labor (MFEL) is responsible for enforcing labor laws, including those related to child labor.(3, 5, 15) Reports indicate that DOL has limited institutional capacity to carry out its duties.(5, 16-18) An additional challenge faced by DOL is the lack of information and data concerning all forms of child labor. This hinders the Department's ability to effectively target, carry out, and measure enforcement efforts.(16) DOL employs one officer to conduct all labor inspections. No inspections conducted during the reporting period involved child labor.(5)

The Tuvalu Police Force is the primary agency responsible for enforcing criminal laws related to the worst forms of child labor, including those related to child trafficking and the commercial sexual exploitation of children.(5) Often, immigration officers assist the police in these cases.(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). Because the law does not cover male children in similar circumstances, they are not protected by the same enforcement mechanisms.(11) When a case involving the commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for a female victim, but males lack this protection.(11)

The Government did not track the number of criminal investigations related to the worst forms of child labor during the reporting period. There were no known prosecutions for these crimes in 2012.(5)

## Government Policies on the Worst Forms of Child Labor

Through its education policy, the Government has achieved high primary education enrollment rates and is on track to reach universal primary education by 2015.(17, 19, 20) The Government maintains a policy of free and compulsory primary education, which covers students from ages 6 to approximately 15.(20) The Government has drafted a new strategic education plan, the Tuvalu Education Strategic Plan II (2011-2015) (TESP II), which focuses largely on education quality. TESP II targets all levels of education, from early childhood through secondary, technical, and vocational education.(21) The priority areas under the plan include improving curriculum and assessment measures, increasing student achievement, enhancing the quality and efficiency of management, developing human resources, and strengthening strategic partnerships.(21) Research could not determine whether the Government has adopted and begun implementing TESP II, or if it is currently operating under another education policy.

The Ministry of Education targets children who drop out of school through the Education and Training Sector Master Plan.(5, 20) These children are offered appropriate alternative education and training opportunities.(20)

The question of the whether these policies may have an impact on child labor does not appear to have been addressed.

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

The Government of Tuvalu is one of eight Pacific Island countries that participated in an \$800,000 ILO project from 2010 through 2012 to align its labor laws with current international labor standards, including ILO C. 182 and ILO C. 138.(5, 22) The project also aimed to increase the capacity of labor administrators, so that labor laws could be reviewed and enforced more effectively.(22, 23)

In 2012, the Government continued to participate in the ILO’s DWCP.(16) 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 by collecting recent statistics on child labor.(16, 24) The project also seeks to improve labor market information. To this end, it calls for the inclusion of child labor modules in planned household surveys.(24)

Despite these efforts, research found no evidence that the Government of Tuvalu implemented any programs during the reporting period to provide services to children in the worst forms of child labor, including in fishing and agriculture.

### 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	Provide greater legal protection to apprentices, limiting the types of work they can perform and the types of worksites in which they can work.	2009, 2010, 2011, 2012
	Amend the law to protect fully all children under age 18 from hazardous work, including developing a hazardous work list in line with international standards.	2009, 2010, 2011, 2012
	Amend the law to protect boys ages 16 to 17 from commercial sexual exploitation.	2009, 2010, 2011, 2012
	Amend the law to apply higher penalties for child pornography.	2012
	Establish minimum penalties for violations of child sexual exploitation and trafficking laws that are commensurate with the gravity of the crimes.	2009, 2010, 2011, 2012
	Expand free education for children up to age 14 in order to align with the minimum age for work.	2012
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Collect and publicize statistics on child labor enforcement, particularly criminal investigations and prosecutions related to the worst forms of child labor.	2009, 2010, 2011, 2012
	Dedicate sufficient resources to child labor law enforcement, particularly with regard to inspections.	2009, 2010, 2011, 2012
Policies	Assess the impact that existing policies may have on child labor.	2010, 2011, 2012
Social Programs	Implement programs to provide services to children in the worst forms of child labor, including in agriculture and fishing.	2009, 2010, 2011, 2012
	Conduct research to better understand the extent and nature of the worst forms of child labor in Tuvalu.	2010, 2011, 2012

## REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*; accessed February 4, 2013; <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*. February 5, 2013. 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.
- U.S. Embassy- Suva. *reporting, January 18, 2012*.
- U.S. Department of State. "Tuvalu," in *Country Reports on Human Rights Practices-2011*. Washington, DC; May 24, 2012; <http://www.state.gov/j/drl/rls/hrrpt/2011/eap/186316.htm>.
- U.S. Embassy- Suva. *reporting, January 31, 2013*.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- International Labour Office. *Farming*, International Labour Organization, [online] January 31, 2012 [cited November 2, 2012]; [http://www.ilo.org/ipce/areas/Agriculture/WCMS\\_172416/lang-en/index.htm](http://www.ilo.org/ipce/areas/Agriculture/WCMS_172416/lang-en/index.htm).
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in fishing is not available, research studies and other reports have documented the dangerous nature of tasks in fishing and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- International Labour Office. *Fishing and Aquaculture*, International Labour Organization, [online] January 31, 2012 [cited November 2, 2012]; [http://www.ilo.org/ipce/areas/Agriculture/WCMS\\_172419/lang-en/index.htm](http://www.ilo.org/ipce/areas/Agriculture/WCMS_172419/lang-en/index.htm).
- Government of Tuvalu. *Employment Act*, 0006, enacted 2008. [http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0006/EmploymentAct\\_1.pdf](http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0006/EmploymentAct_1.pdf).
- Government of Tuvalu. *Penal Code (Revised 2008)*, Cap 10 20, enacted October 18, 1965. [http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode\\_1.pdf](http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf).
- Government of Tuvalu. *The Constitution of Tuvalu*, enacted October 1, 1986. Revised 2008. [http://tuvalu-legislation.tv/cms/index.php/legislation/current/index.php?option=com\\_legislation&view=current%20categories](http://tuvalu-legislation.tv/cms/index.php/legislation/current/index.php?option=com_legislation&view=current%20categories).
- U.S. Embassy-- Suva. E-mail communication to USDOL official. May 23, 2013.
- Government of Tuvalu. *Education (Compulsory Education) Order*, Cap. 30.05.4, enacted January 1, 1984; Revised 2008. [http://tuvalu-legislation.tv/cms/images/LEGISLATION/SUBORDINATE/1984/1984-0014/EducationCompulsoryEducationOrder\\_1.pdf](http://tuvalu-legislation.tv/cms/images/LEGISLATION/SUBORDINATE/1984/1984-0014/EducationCompulsoryEducationOrder_1.pdf).
- U.S. Embassy- Suva. *reporting, February 8, 2011*.
- ILO, Government of Tuvalu. *Decent Work Country Programme: Tuvalu*. Funafuti; December 2009. [http://www.ilo.org/asia/whatwedo/publications/lang-en/docName--WCMS\\_120556/index.htm](http://www.ilo.org/asia/whatwedo/publications/lang-en/docName--WCMS_120556/index.htm).
- Office of the High Commissioner for Human Rights. *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1*. New York, United Nations; October 6, 2008. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/163/27/PDF/G0816327.pdf?OpenElement>.
- United Nations Development System- Fiji and Samoa. *United Nations Development Assistance Framework for the Pacific Subregion (2008-2012)*. Suva; May 2007. [http://www.undp.org/fj/pdf/UNDAF\\_2008-2012.pdf](http://www.undp.org/fj/pdf/UNDAF_2008-2012.pdf).
- UN Committee on the Elimination of Discrimination against Women. *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Tuvalu*. Geneva; August 7, 2009. <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/TUV/CO/2&Lang=E>.
- Government of Tuvalu. *Millennium Development Goals: Progress Report 2010/2011*. Funafuti; May 2011. [http://www.undp.org/fj/pdf/MDG%20Report/MDG\(tuvalu\)%20web.pdf](http://www.undp.org/fj/pdf/MDG%20Report/MDG(tuvalu)%20web.pdf).
- UNICEF. *Achieving Education for All in Tuvalu*. Geneva; 2011. <http://www.ausaid.gov.au/Publications/Pages/tuvalu-ed-for-all-program-proposal.aspx>.
- ILO. *Promoting good labour market governance in the Pacific through labour law reform, implementation of Core and Governance International Labour Standards and capacity building of tripartite constituents*. Suva, Fiji, ILO Office for Pacific Island Countries; 2010. [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/projectdocumentation/wcms\\_120563.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/projectdocumentation/wcms_120563.pdf).
- ILO CO-Suva. *Child Labour*, ILO, [online] [cited December 6, 2011]; <http://www.ilo.org/suva/areas-of-work/child-labour/lang-en/index.htm>.
- ILO, Government of Tuvalu. *Decent Work Country Programme: Tuvalu*. Funafuti; May 11, 2010. <http://www.ilo.org/public/english/bureau/program/dwcp/download/tuvalu.pdf>.