

In 2013, Tuvalu made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government, in collaboration with the ILO, began revising its laws to improve compliance with international standards, including those related to child labor. Tuvalu also continued implementing the Decent Work Country Program and educational programs that aim to keep children in school and provide alternative training for those that have dropped out. However, limited evidence suggests that children in Tuvalu continue to engage in child labor, particularly in agriculture and fishing. Gaps remain in the Government's legislative framework. Children ages 15 to 17 are not protected from work in hazardous environments, and children, particularly 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.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Limited evidence suggests that children in Tuvalu are engaged in child labor, particularly in agriculture and fishing.^(1, 2) There is little available information about the extent and nature of the worst forms of child labor in Tuvalu.^(3, 4) 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)	7-14 yrs.	Unavailable
Attending School (%)	5-14 yrs.	Unavailable
Combining Work and School (%)	7-14 yrs.	Unavailable
Primary Completion Rate (%)		99.2

Source for primary completion rate: Data from 2006, published by UNESCO Institute for Statistics, 2014.⁽⁵⁾

Source for all other data: Understanding Children's Work Project's analysis, 2014.⁽⁶⁾

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	Farming, activities unknown* (1, 2)
	Fishing, activities unknown* (1, 2)

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

II. LEGAL FRAMEWORK ON 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	
 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 of Tuvalu has not ratified ILO C. 182 on the Worst Forms of Child Labor.

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations on Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Article 84 of the Employment Act (7)
Minimum Age for Hazardous Work	Yes	15	Articles 85-87 of the Employment Act (7)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Employment Act, Penal Code (7-9)
Prohibition of Child Trafficking	Yes		Penal Code, Counter Terrorism and Transnational Organized Crime Act (8, 10)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Penal Code (8)
Prohibition of Using Children in Illicit Activities	Yes		Penal Code (8)
Minimum Age for Compulsory Military Recruitment	N/A*		The Government of Tuvalu does not maintain a military force, and therefore there is no military conscription (1, 11)
Minimum Age for Voluntary Military Service	N/A*		The Government of Tuvalu does not maintain a military force, and therefore there is no military conscription (1, 11)
Compulsory Education Age	Yes	15	Education (Compulsory Education) Order (12)
Free Public Education	No		

* No conscription or no standing military.

In 2013, with support from the ILO, the Government began revising its laws to improve compliance with international standards, including those related to child labor. It also began working toward ratification of key ILO conventions, including the convention of the worst forms of child labor.(4) However, Tuvalu’s current legislative framework still has a number of gaps.

Tuvaluan law does not protect all children under 18 from hazardous work. There is no explicit minimum age for hazardous work nor a hazardous work list.(7) Article 85 of the Employment Act prohibits children under age 15 from working on ships and in industrial undertakings, unless approved by the Minister of Labor. Article 86 of the Act prohibits boys under 16 from working in underground in mines. However, Article 87 permits boys under 18 to engage in these same types of work with certain restrictions.(7) There are no restrictions preventing girls ages 15 to 17 from performing work in underground mines, aboard ships, or during the night.(7)

Article 92 of the Employment Act allows children above the age of 14 to enter into 5-year apprenticeship programs. Apprentices may legally live away from their families, increasing their vulnerability to exploitation.(7) Article 118 gives the Minister of Labor Minister authority to exempt any person or class or group of persons from provisions of the law, including those provisions related to child labor.(7)

Articles 136, 137, and 139-142 of the Penal Code protect girls from prostitution, but there are no similar legal protections for boys older than age 15.(8, 13) Therefore, 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) under Article 143 of the Penal Code.(8) When a case involving the commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for a female victim. Since the law does not cover male children in similar circumstances, they lack this protection.(8)

All pornography is illegal in Tuvalu, and the Article 166 of the Penal Code includes penalties for those who make, distribute, or possess obscene publications.(3, 8, 14) While Article 141 of the Penal Code proscribes the use of children younger than age 15 for unlawful activity, it fails to protect children ages 15 to 17.(8)

Tuvaluan law 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.(8)

Though there is no law guaranteeing free education, the Government's education policy provides for free tuition for children ages 6 to 13.(3, 4, 15, 16)

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
Department of Labor (DOL)	Enforce labor laws, including those related to child labor.(1, 3, 4, 17)
Tuvalu Police Force	Enforce criminal laws related to the worst forms of child labor, including those related to child trafficking and the commercial sexual exploitation of children.(3, 4)

Labor law enforcement agencies in Tuvalu took actions to combat child labor, including its worst forms. However, research found no evidence that criminal law enforcement agencies took such actions.

Labor Law Enforcement

DOL employs one officer to conduct labor inspections.(4) No inspections conducted during the reporting period revealed child labor.(4) However, reports indicate that DOL has limited institutional capacity to carry out its duties. (3, 18) The Government does not have sufficient resources to formally monitor and enforce child labor laws.(2)

Criminal Law Enforcement

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 2013.(4, 8)

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 children's issues and reporting and monitoring on the CRC.(1, 3, 4) However, research found no evidence that the committee functions as a mechanism to address child labor, including in its worst forms.(4)

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 6).

Table 6. Policies Related to Child Labor

Policy	Description
Te Kekeega II*	National development strategy with key objective of improving livelihoods through private sector development and more effective use of public resources.(4) Focuses on improving access to and quality of education for Tuvaluan children.(4)
Tuvalu Education Strategic Plan II (2011-2015) (TESP II)*	Aims to enhance quality of education. Targets all levels of education, from early childhood through secondary, technical, and vocational education.(19) 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.(19)
Education and Training Sector Master Plan*	Targets children who drop out of school. Implemented by the Ministry of Education.(3, 15) Offers children alternative education and training opportunities.(15)

*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 2012, the Government of Tuvalu participated in 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 and Objectives
Decent Work Country Program (DWCP)	ILO-implemented program that aims to strengthen Tuvalu's labor laws, support the ratification of ILO Convention 182, and improve labor market monitoring systems by collecting recent statistics on child labor.(18, 20) Seeks to improve labor market information and calls for the inclusion of child labor modules in planned household surveys.(20)

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 child labor.

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 8).

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

Area	Suggested Action	Year(s) Suggested
Laws	Ratify ILO C. 182 on the Worst Forms of Child Labor	2013
	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 – 2013
	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 – 2013
	Amend the law to protect boys ages 16 to 17 from commercial sexual exploitation.	2009 – 2013
	Amend the law to protect children ages 15 to 17 from use in unlawful activity.	2013
	Establish minimum penalties for violations of child sexual exploitation and trafficking laws that are commensurate with the gravity of the crimes.	2009 – 2013
Enforcement	Dedicate sufficient resources to child labor law enforcement, particularly with regard to inspections.	2009 – 2013
	Collect and publicize statistics on child labor enforcement, particularly criminal investigations and prosecutions related to the worst forms of child labor.	2009 – 2013
Coordination	Establish a coordinating mechanism to combat the worst forms of child labor.	2009 – 2013
Government Policies	Assess the impact that development and education policies may have on child labor.	2010 – 2013
Social Programs	Conduct research to better understand the extent and nature of the worst forms of child labor in Tuvalu.	2010 – 2013
	Implement programs to provide services to children in child labor.	2009 – 2013

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