

*In 2014, Tuvalu made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government continued to review and revise its labor laws to improve compliance with international standards, including those related to child labor. However, limited evidence suggests that children in Tuvalu are engaged in child labor in 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

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 (%)		99.2

Source for primary completion rate: Data from 2006, 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.

### 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	
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	

**Table 3. Ratification of International Conventions on Child Labor (cont)**

Convention	Ratification
 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; Article 249 of the Penal Code; Article 18 of the Constitution of Tuvalu (6-8)
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, and 139-143 of the Penal Code (7)
Prohibition of Using Children in Illicit Activities	Yes		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)

In 2014, the Government of Tuvalu continued to engage in a legal revision process initiated during the previous year, which aims to modernize labor laws and improve their compliance with international standards, including those related to child labor. In cooperation with the ILO, the Government held a multi-agency consultation session to review existing labor laws in February 2014. (12, 13) However, the Government has not ratified ILO C. 182 on the Worst Forms of Child Labor, and Tuvalu's current legislative framework still has a number of gaps.

Tuvaluan law does not establish 18 as the minimum age for hazardous work. Although there are some provisions in the Employment Act that prohibit children under 18 from engaging in certain types of activities, the list is incomplete and at times conditioned upon approvals. For example, boys under 18 are prohibited from working underground in a mine and on a ship doing certain tasks, unless they are approved by a medical practitioner, in which case they can work at age 16.(6) Similarly, boys under 18 are prohibited from working during the night in any industrial undertaking, unless the Commissioner has given written permission, in which case they can work at age 17. Boys under 16 are not permitted to work in a mine.(6)

Although the Penal Code prohibits the commercial sexual exploitation of girls under age 18 and boys under age 15, there are no legal provisions protecting boys ages 15 through 17 from engagement in this activity.(7, 14) 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 under Article 143 of the Penal Code.(7) The court may also appoint a guardian for female child victims if a case goes to trial. Since the law does not cover male children in similar circumstances, they lack this protection.(7)

All pornography is illegal in Tuvalu, and the Penal Code includes penalties for those who make, distribute, or possess obscene publications.(7, 15, 16) However, law does not explicitly prohibit the use, procurement, or offering of a child for the production of pornography.(7) In addition, while the law criminalizes the use of children younger than age 15 for illicit activities, it fails to protect children ages 15 through 17.(7)

### 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.(12)
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.(12)

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

#### *Labor Law Enforcement*

In 2014, the Department of Labor (DOL) had two officers responsible for conducting labor inspections. Considering the lack of major industry and commerce in the country, as well as the limited employment opportunities for children, this number is determined to be adequate.(12) The labor officers did not participate in training during the reporting period, but sources report that they have received instruction from the ILO in previous years.(12) Funding for inspections is covered by the DOL's overall budget. Information was not available on the specific amount of money allocated for this purpose, though reports indicate that the Government does not have sufficient resources to formally monitor and enforce child labor laws.(2) The DOL reported that, although inspectors are empowered by law to conduct site visits at any place of employment, the agency does not carry out systematic inspections.(12) In 2014, the DOL did not conduct any labor inspections. As the DOL did not receive any reports of child labor law violations during the year, no citations or penalties were issued and no children were assisted.(12)

#### *Criminal Law Enforcement*

The Government does not employ investigators to enforce criminal laws related to the worst forms of child labor, and no relevant investigations were carried out during the reporting period. In 2014, research did not find any records of the number of violations involving the worst forms of child labor, and no known prosecutions, convictions, or penalties were issued for these crimes.(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 in 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 6).

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

Policy	Description
<i>Te Kekeega</i> II National Strategy for Sustainable Development (2005-2015)*	Seeks to promote sustainable livelihoods by developing the private-sector and promoting the effective use of public resources. Focuses on improving access to and quality of education for Tuvaluan children.(12, 17)
Tuvalu Education Strategic Plan II (TESP II) (2011-2015)*	Aims to enhance quality of education at all levels, from early childhood through secondary, technical, and vocational education.(18) 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.(18)
Education and Training Sector Master Plan*	Targets children who drop out of school. Offers children alternative education and training opportunities.(19) Implemented by the Ministry of Education.(16, 19)
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.(20) In Tuvalu, aims to increase children's access to health, education, and social protection systems.(21)

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

# Tuvalu

## MINIMAL ADVANCEMENT

Although Tuvaluan law does not guarantee free basic education, the Government has a policy to provide free tuition for children ages 6 to 13.(3, 18, 19, 22)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Tuvalu participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor (Table 7).

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

Program	Description
Decent Work Country Program (DWCP)	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.(23) The DWCP seeks to improve labor market information and calls for the inclusion of child labor modules in planned household surveys.(3, 23)
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.(3) Since 2012, the program has helped over 18 vocational teachers throughout Tuvalu to graduate from the Australian Pacific Technical College in courses related to training and assessment and early childhood education.(3)
Community Post-Primary Vocational Programs*‡	Ministry of Education program that provides vocational training to children in the outer islands. Frequency of training sessions depends on the availability of trainers.
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.(3)

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

‡ Program is funded by the Government of Tuvalu.

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 8).

**Table 8. 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 – 2014
	Ensure that all children under age 18 are prohibited from engaging in hazardous work and that the law comprehensively specifies the hazardous activities and occupations prohibited for children.	2009 – 2014
	Ensure that law protects boys ages 15 through 17 from commercial sexual exploitation.	2009 – 2014
	Ensure that law prohibits the use, procurement, or offering of a child for the production of pornography.	2012, 2014
	Ensure that law prohibits the use, procurement, or offering of children ages 15 through 17 for illicit activities.	2013 – 2014
Enforcement	Dedicate sufficient resources to child labor law enforcement, particularly with regard to inspections.	2009 – 2014
	Collect data on the enforcement of laws on child labor, including its worst forms, and make this information publicly available.	2009 – 2014
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2009 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into existing policies.	2010 – 2014
Social Programs	Conduct research to better understand the extent and nature of child labor, including worst forms, in Tuvalu.	2010 – 2014
	Institute programs to address child labor in the agricultural sector.	2009 – 2014

## REFERENCES

1. U.S. Embassy- Suva. *reporting, January 18, 2012.*
2. U.S. Department of State. "Tuvalu," in *Country Reports on Human Rights Practices-2013*. Washington, DC; February 27, 2014; <http://www.state.gov/j/drl/rls/hrrpt/>.
3. U.S. Embassy- Suva official. E-mail communication to USDOL official. January 29, 2015.
4. UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.* [accessed January 16, 2015]; <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.
5. UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys.* Analysis received January 16, 2015. 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.
6. 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).
7. 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).
8. Government of Tuvalu. *The Constitution of Tuvalu*, enacted October 1, 1986. Revised 2008. [source on file].
9. Government of Tuvalu. *Counter Terrorism and Transnational Organized Crime Act, 6 of 2009*, enacted November 30, 2009. [http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/2009/2009-0006/CounterTerrorismandTransnationalOrganisedCrimeAct2009\\_1.pdf](http://tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/2009/2009-0006/CounterTerrorismandTransnationalOrganisedCrimeAct2009_1.pdf).
10. 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).
11. Child Soldiers International. *Louder Than Words: An agenda for action to end state use of child soldiers.* London; September 2012. [http://www.child-soldiers.org/global\\_report\\_reader.php?id=562](http://www.child-soldiers.org/global_report_reader.php?id=562).
12. U.S. Embassy- Suva. *reporting, January 15, 2015.*
13. ILO Country Office for Pacific Island Countries. "Tuvalu- a small island State tackles labour law reform." ilo.org [online] April 1, 2014 [cited [http://www.ilo.org/suva/WCMS\\_241030/lang--en/index.htm](http://www.ilo.org/suva/WCMS_241030/lang--en/index.htm)].
14. UN Committee on the Rights of the Child. *Concluding observations on the initial report of Tuvalu, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013).* Geneva; October 30, 2013. Report No. CRC/C/TUV/CO/1. [source on file].
15. U.S Embassy- Suva. E-mail communication to USDOL official. May 23, 2013.
16. U.S. Embassy- Suva. *reporting, January 31, 2013.*
17. Government of Tuvalu. *Te Kakeeka II National Strategy for Sustainable Development 2005-2015.* Suva; November 2005. <http://www.sprep.org/att/IRC/eCOPIES/Countries/Tuvalu/42.pdf>.
18. UNICEF. *Achieving Education for All in Tuvalu.* Geneva; 2011. [source on file].
19. 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).
20. United Nations Pacific. *United Nations Development Assistance Framework (UNDAF) For the Pacific Region 2013-2017.* Suva; 2013. [http://pacific.one.un.org/images/stories/2013/UNDAF\\_Summary\\_Report.pdf](http://pacific.one.un.org/images/stories/2013/UNDAF_Summary_Report.pdf).
21. United Nations Pacific. "Tuvalu: UNDAF Results Matrix 2013-2017." (2013); [http://www.pacific.one.un.org/images/stories/2013/tuvalu\\_crm.pdf](http://www.pacific.one.un.org/images/stories/2013/tuvalu_crm.pdf).
22. U.S Embassy- Suva. E-mail communication to USDOL official. May 14, 2014.
23. 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>.