

In 2016, Tuvalu made a minimal advancement in efforts to prevent the worst forms of child labor. The Government continued consultations on the draft Labor and Employment Relations Bill, with the aim of improving the law's compliance with international standards on child labor. Although research is limited and the problem does not appear to be widespread, children in Tuvalu engage in child labor in fishing. The Government lacks data on the enforcement of child labor laws, and the legal framework has gaps that leave children vulnerable to engagement in hazardous work and other worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited and the problem does not appear to be widespread, children in Tuvalu engage 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 to 14	Unavailable
Attending School (%)	5 to 14	Unavailable
Combining Work and School (%)	7 to 14	Unavailable
Primary Completion Rate (%)		97.8

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(4)
Data were unavailable from Understanding Children's Work Project's analysis, 2016.(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)

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	
 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	

Tuvalu

MINIMAL ADVANCEMENT

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Tuvalu’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Article 84 of the Employment Act (6)
Minimum Age for Hazardous Work	No	15 [‡]	Articles 85–87 of the Employment Act (6)
Identification 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 Military Recruitment			
State Compulsory	N/A [†]		
State Voluntary	N/A [†]		
Non-state Compulsory	No		
Compulsory Education Age	Yes	15	Education Order (10)
Free Public Education	No		

[†] No standing military (11)

[‡] Age calculated based on available information (6)

Tuvalu’s Employment Act does not clearly establish 18 as the minimum age for hazardous work in accordance with international standards.(6) The Government continued consultations on the draft Labor and Employment Relations Bill, which reportedly includes provisions to bring national legislation into compliance with international standards on the worst forms of child labor, but the law was not adopted during the reporting period.(12)

Tuvalu’s laws do not sufficiently prohibit the commercial sexual exploitation of children, as use, procuring, and offering of boys ages 15 through 17 is not criminally prohibited.(7, 13) In addition, laws do not specifically criminalize the use, procuring, or offering of a child for pornography or pornographic performances.(7, 14) Although the law criminalizes the procurement of children younger than 15 for unlawful and immoral purposes, it fails to criminalize the use, procuring, or offering of all children under 18 for illicit activities, such as 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) Laws do not prohibit recruiting children under 18 into non-state armed groups.

Laws do not ensure free basic education in Tuvalu, but there is a policy that sufficiently provides for free basic education.(15-18)

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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor	Enforce labor laws, including those related to child labor.(12)
Tuvalu Police Force	Enforce criminal laws related to the worst forms of child labor.(12)

Labor Law Enforcement

In 2016, 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	2015	2016
Labor Inspectorate Funding	Unknown (19)	Unknown (12)
Number of Labor Inspectors	2 (19)	2 (12)
Inspectorate Authorized to Assess Penalties	No (20)	No (12)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown (19)	Unknown (12)
Training on New Laws Related to Child Labor	N/A	N/A (12)
Refresher Courses Provided	Unknown (19)	Unknown (12)
Number of Labor Inspections	Unknown (19)	Unknown (12)
Number Conducted at Worksite	Unknown (19)	Unknown (12)
Number Conducted by Desk Reviews	Unknown (19)	Unknown (12)
Number of Child Labor Violations Found	0 (19)	0 (12)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (19)	N/A (12)
Number of Penalties Imposed That Were Collected	N/A	N/A (12)
Routine Inspections Conducted	Unknown	No (12)
Routine Inspections Targeted	Unknown	No (12)
Unannounced Inspections Permitted	Yes (6)	Yes (12)
Unannounced Inspections Conducted	Unknown	No (12)
Complaint Mechanism Exists	No (20)	No (12)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown	Unknown (12)

Research found that insufficient resources hamper the labor inspectorate’s capacity to formally monitor and enforce child labor laws.(3, 20)

Criminal Law Enforcement

In 2016, 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	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown (19)	Unknown (12)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Unknown (19)	Unknown (12)
Number of Investigations	Unknown (19)	Unknown (12)
Number of Violations Found	Unknown (19)	Unknown (12)
Number of Prosecutions Initiated	Unknown (19)	Unknown (12)
Number of Convictions	Unknown (19)	Unknown (12)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Unknown (19)	Yes (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 and monitoring the Government's efforts to fulfill its commitments under the UN CRC.(19) 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 has established policies related to child labor, including its worst forms (Table 8).

Table 8. Key Policies Related to Child Labor[‡]

Policy	Description
Free Education Policy	Establishes free basic education for children ages 6 through 13.(15-17)

[‡] The Government has other policies which may have addressed child labor issues or had an impact on child labor.(15, 21, 22)

Research did not find evidence that the Government has integrated child labor elimination and prevention strategies into the Free Education Policy or the UNDAF for the Pacific Region.(23, 24)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 9).

Table 9. Key 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 data collection on child labor.(25, 26)
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.(17)
Government Vocational Training Programs [†]	Government-funded programs that provide vocational training to children who have finished compulsory primary education. These programs include the Ministry of Education's Community Post-Primary Vocational Programs, which serve children in the outer islands, and the High School Vocational Training Program at Motufoua Secondary School, which provides vocational training to students starting at year 13.(17)

[†] Program is funded by the Government of Tuvalu.

Research found no evidence of programs to specifically address child labor in the fishing 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 – 2016
	Ensure that the law establishes the minimum age for hazardous work as 18 years old.	2009 – 2016
	Ensure that the law criminally prohibits the use, procuring, and offering of boys ages 15 through 17 for prostitution and all children for the production of pornography and for pornographic performances.	2009 – 2016
	Ensure that the law criminally prohibits the use, procuring, and offering of all children for illicit activities, including the production and trafficking of drugs.	2013 – 2016
	Ensure that the law prescribes strengthened penalties for child trafficking.	2015 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016

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

Area	Suggested Action	Year(s) Suggested
Enforcement	Dedicate sufficient resources for child labor law enforcement.	2009 – 2016
	Publish information on the enforcement of laws on child labor, including the number and type of labor inspections conducted and the training provided for labor inspectors and investigators.	2009 – 2016
	Authorize the labor inspectorate to assess penalties for child labor violations.	2015 – 2016
	Strengthen the inspection system by conducting unannounced inspections.	2016
	Establish a mechanism to receive child labor complaints.	2015 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2009 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into the Free Education Policy and the UNDAF for the Pacific Region.	2010 – 2016
Social Programs	Conduct research to better understand the extent and nature of child labor, including its worst forms, in Tuvalu.	2010 – 2016
	Institute programs to address child labor in the fishing sector.	2009 – 2016

REFERENCES

- U.S. Embassy- Suva. *reporting, January 18, 2012.*
- U.S. Embassy- Suva official. E-mail communication to USDOL official. January 29, 2015.
- U.S. Department of State. “Tuvalu,” in *Country Reports on Human Rights Practices-2016*. Washington, DC; March 3, 2017; <http://www.state.gov/documents/organization/253021.pdf>.
- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary education, both sexes (%)*. [accessed December 16, 2016]; <http://data.uis.unesco.org/>. Data provided is the gross intake ratio to the last grade of primary education. This measure is a proxy measure for primary completion. This ratio is the total number of new entrants in the last grade of primary education, regardless of age, expressed as a percentage of the population at the theoretical entrance age to the last grade of primary education. A high ratio indicates a high degree of current primary education completion. The calculation includes all new entrants to the last grade (regardless of age). Therefore, the ratio can exceed 100 percent, due to over-aged and under-aged children who enter primary school late/early and/or repeat grades. For more information, please see “Children’s Work and Education Statistics: Sources and Definitions” in the Reference Materials section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. Analysis received December 18, 2016. 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” in the Reference Materials section of this report.
- Government of Tuvalu. *Employment Act, 0006*, enacted 2008. 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.
- Government of Tuvalu. *The Constitution of Tuvalu*, enacted October 1, 1986. Revised 2008. [Source on file].
- 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.
- 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.
- Child Soldiers International. *Louder Than Words: An agenda for action to end state use of child soldiers*. London; September 2012. <https://www.child-soldiers.org/shop/louder-than-words-1>.
- U.S. Embassy- Suva. *reporting, December 14, 2016.*
- 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].
- U.S Embassy- Suva official. E-mail communication to USDOL official. May 23, 2013.
- Government of Tuvalu. *Millennium Development Goals: Progress Report 2010/2011*. Funafuti; May 2011. [previously online].
- U.S Embassy- Suva official. E-mail communication to USDOL official. May 14, 2014.
- U.S. Embassy- Suva official. E-mail communication to USDOL official. April 20, 2015.
- Government of Tuvalu. *National Education for All 2015 Report: Tuvalu*. Funafuti, Ministry of Education, Youth, and Sports; February 2015. <http://unesdoc.unesco.org/images/0023/002331/233123e.pdf>.
- U.S. Embassy- Suva. *reporting, January 4, 2016.*
- U.S. Embassy- Suva official. E-mail communication to USDOL official. March 9, 2016.
- U.S. Embassy- Suva. *reporting, January 31, 2013.*
- “Tuvalu Launches National Youth Policy,” New Zealand: Radio New Zealand International; August 12, 2015; 3 min., 32 sec., radio broadcast; [accessed June 19, 2017]; <http://www.radionz.co.nz/international/programmes/datelinepacific/audio/201766182/tuvalu-launches-national-youth-policy>.
- United Nations Pacific. *United Nations Development Assistance Framework (UNDAF) For the Pacific Region 2013-2017*. Suva; 2013. http://www.asia-pacific.undp.org/content/dam/fiji/docs/UNDAF_Summary_Report_Final_LR.pdf.
- United Nations Pacific. “Tuvalu: UNDAF Results Matrix 2013-2017.” (2013); [source on file].
- 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>.
- U.S. Embassy- Suva official. E-mail communication to USDOL official. April 18, 2017.