

In 2020, Tuvalu made moderate advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the government, with support from UNICEF, conducted the 2019–2020 Tuvalu Social Development Indicator Survey to assess the prevalence and cause of child labor. The government also secured a Global Partnership for Education grant to help develop remote learning materials and provide teachers with training on remote learning interventions. In addition, the government finalized the 2017 Child Care and Welfare Bill, which, if passed, will be the first law in Tuvalu to have comprehensive provisions for issues related to children's rights, including child labor. However, although research is limited, there is evidence that children in Tuvalu engage in child labor in fishing and domestic work. The government has not specified, by national law or regulation, the types of hazardous work prohibited for children, leaving children vulnerable to the worst forms of child labor. In addition, Tuvalu lacks information on labor law and criminal law enforcement efforts.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Although research is limited, there is evidence that children in Tuvalu engage in child labor in fishing and domestic work. (1,2) 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 (%) | | 78.7 |

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2021. (3)

Source for all other data were unavailable from International Labor Organization's analysis, 2021. (4)

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 (5) |
| Services | Domestic work (5) |




During the reporting period, the government, with support from UNICEF, conducted the 2019–2020 Tuvalu Social Development Indicator Survey. The survey is expected to assess the prevalence and cause of child labor. (5)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Tuvalu has ratified some key international conventions concerning child labor (Table 3).

MODERATE ADVANCEMENT

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 has established laws and regulations related to child labor (Table 4). However, gaps exist in Tuvalu's legal framework to adequately protect children from the worst forms of child labor, including the identification of hazardous occupations or activities prohibited for children.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards | Age | Legislation |
|---|-------------------------------|-----|--|
| Minimum Age for Work | Yes | 15 | Article 42 of the Labor and Employment Relations Act (6,7) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 44 of the Labor and Employment Relations Act (6,7) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | No | | |
| Prohibition of Forced Labor | Yes | | Articles 46 and 48 of the Labor and Employment Relations Act; Articles 244 and 249 of the Penal Code; Article 69 of the Counter Terrorism and Transnational Organized Crime Act; Article 18 of the Constitution of Tuvalu (6-10) |
| Prohibition of Child Trafficking | Yes | | Article 68 of the Counter Terrorism and Transnational Organized Crime Act; Articles 136 and 244 of the Penal Code (8,10) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Article 46 of the Labor and Employment Relations Act; Articles 136–143 and 166 of the Penal Code (6-8) |
| Prohibition of Using Children in Illicit Activities | Yes | | Article 46 of the Labor and Employment Relations Act; Articles 141–142 of the Penal Code (6-8) |
| Minimum Age for Voluntary State Military Recruitment | N/A† | | |
| Prohibition of Compulsory Recruitment of Children by (State) Military | N/A† | | |
| Prohibition of Military Recruitment by Non-state Armed Groups | Yes | | Section 46 of the Labor and Employment Relations Act (7) |
| Compulsory Education Age | Yes | 15 | Education Order (11) |
| Free Public Education | No | | Free Education Policy (6) |

† No standing military (12)

During the reporting period, the government finalized the 2017 Child Care and Welfare Bill. If passed into law, it will be the first law in Tuvalu to make comprehensive provisions for issues related to children's rights, including child labor. (5)

The Government of Tuvalu has not specified, by national law or regulation, the types of hazardous work prohibited for children; previous provisions only applied to a male person under age 18 in the industrial, mining, and fishing sectors. (1,7,13)

Although child trafficking is prohibited in Tuvalu, the law prescribes a harsher punishment for individuals involved in the trafficking of adults than for those involved in the trafficking of children. (10)

Research did not find any laws in Tuvalu that provide free basic education; however, there is a policy that provides for free basic education. (2)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---------------------|---|
| Department of Labor | Enforces labor laws, including those related to child labor. (14) |
| Tuvalu Police Force | Investigates and enforces criminal laws related to the worst forms of child labor. (2,6,14) |

Labor Law Enforcement

In 2020, labor law enforcement agencies in Tuvalu took actions to combat child labor (Table 6). However, gaps exist within the operations of the Department of Labor that may hinder adequate labor law enforcement, including the lack of information on labor law enforcement.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2019 | 2020 |
|--|--------------|-------------|
| Labor Inspectorate Funding | \$62,000 (2) | Unknown (5) |
| Number of Labor Inspectors | 4 (2) | 4 (5) |
| Inspectorate Authorized to Assess Penalties | Unknown (2) | Unknown (7) |
| Initial Training for New Labor Inspectors | Unknown (2) | No (5) |
| Training on New Laws Related to Child Labor | N/A | N/A |
| Refresher Courses Provided | Yes (2) | No (5) |
| Number of Labor Inspections Conducted | Unknown (2) | Unknown (5) |
| Number Conducted at Worksite | Unknown (2) | Unknown (5) |
| Number of Child Labor Violations Found | 0 (2) | Unknown (5) |
| Number of Child Labor Violations for Which Penalties Were Imposed | 0 (2) | Unknown (5) |
| Number of Child Labor Penalties Imposed that Were Collected | 0 (2) | Unknown (5) |
| Routine Inspections Conducted | Yes (2) | Unknown (5) |
| Routine Inspections Targeted | Yes (2) | No (5) |
| Unannounced Inspections Permitted | Yes (2) | Yes (7) |
| Unannounced Inspections Conducted | Unknown (2) | Unknown (5) |
| Complaint Mechanism Exists | Yes (2) | Yes (5) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (2) | Yes (5) |

Although information on the breakdown of the allocation to the labor inspectorate is not available, Tuvalu's small population and the concentration of child labor occurring in its capital, Funafuti, suggests that the financial resource allocation appeared to be adequate in addressing child labor in Tuvalu. (2) However, the government did not provide information on its labor law enforcement efforts for inclusion in this report.

Criminal Law Enforcement

Research did not find information on whether criminal law enforcement agencies in Tuvalu took actions to combat child labor (Table 7).

MODERATE ADVANCEMENT

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

| Overview of Criminal Law Enforcement | 2019 | 2020 |
|---|-------------|-------------|
| Initial Training for New Criminal Investigators | Unknown (2) | Unknown (5) |
| Training on New Laws Related to the Worst Forms of Child Labor | Unknown (2) | Unknown (5) |
| Refresher Courses Provided | Unknown (2) | Unknown (5) |
| Number of Investigations | 0 (2) | Unknown (5) |
| Number of Violations Found | 0 (2) | Unknown (5) |
| Number of Prosecutions Initiated | 0 (2) | Unknown (5) |
| Number of Convictions | 0 (2) | 0 (5) |
| Imposed Penalties for Violations Related to the Worst Forms of Child Labor | No (2) | Unknown (5) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (2) | Yes (5) |

The government did not provide information on its criminal law enforcement efforts for inclusion in this report.

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|--|
| National Advisory Committee on the Convention on the Rights of the Child | Coordinates child protection issues and implements the Convention on the Rights of the Child. Led by the Ministry of Education, and includes the Police and Ministries of Labor and Social Welfare. (5) Maintains a Child Protection Desk to support and coordinate the implementation of child protection efforts, and ensures coherence of child protection intervention efforts. This coordinating body was active during the reporting period. (5) |

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies that are consistent with relevant international standards on child labor (Table 9).

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|--|--|
| United Nations Pacific Strategy (2018–2022) | A multinational strategic framework program consisting of 14 South Pacific nations to address, develop, and implement strategic economic development priorities in the South Pacific, including eliminating child labor and the worst forms of child labor. (15) Aligned with the UNICEF Pacific Multi-Country Child Protection Program, which supported the Social Development Indicator Survey during the reporting period. (16) |
| Tuvalu Human Rights National Action Plan (2016–2020) | Consolidates the government's human rights coordination and delivery of services, including implementation of the UN CRC. (17) Research was unable to determine whether activities were undertaken to implement this policy during the reporting period. |
| Child Protection Work Plan | Includes the drafting of a Child Protection Bill and a Child Protection in Schools Policy, with implementation plans and cost estimates. Involves public relations activities, such as awareness raising and advocacy. (18) During the reporting period, the government held consultations throughout the country, and the Ministry of Home Affairs and Rural Development coordinated with UNICEF for technical assistance to implement the Child Protection Policy and Work Plan. (5, 16) |
| Free Education Policy | Provides free primary education for all children in Tuvalu. (11) This policy was active during the reporting period. (5) |

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (2)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the lack of programs addressing child labor in the fishing sector.

Table 10. Key Social Programs to Address Child Labor

| Program | Description |
|---|--|
| UNICEF Pacific Multi-Country Child Protection Program (2018–2022) | Multi-country program in 14 Pacific Island countries. (19) Prioritizes children's rights, including the elimination of the worst forms of child labor. Aligned with the UN Pacific Strategy 2018–2022. (19) During the reporting period, UNICEF funded child protection interventions in Tuvalu. (5) |

‡ The government had other social programs that may have addressed child labor issues or had an impact on child labor. (5)

Due to the COVID-19 pandemic and possible disruptions to education, the Government of Tuvalu secured a grant from the Global Partnership for Education during the reporting period. The grant helped the government develop remote learning materials, such as radio lessons, paper-based learning materials, and video lessons, along with training for teachers and education stakeholders on remote learning interventions. (5)

Research found no evidence of programs that specifically address child labor in the fishing sector.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Tuvalu (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Legal Framework | Accede to the UN CRC Optional Protocol on Armed Conflict. | 2013 – 2020 |
| | Accede to the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. | 2013 – 2020 |
| | Accede to the Palermo Protocol. | 2013 – 2020 |
| | Determine the types of hazardous work prohibited for all children in consultation with employers' and workers' organizations. | 2017 – 2020 |
| | Ensure that the law prescribes a harsher punishment for individuals involved in the trafficking of children than for those involved in the trafficking of adults. | 2019 – 2020 |
| | Establish by law free basic public education. | 2019 – 2020 |
| Enforcement | Publish labor law enforcement information, including labor inspectorate funding, ability to assess penalties, the number of labor inspections conducted, number of labor inspections conducted at worksite, number of child labor violations found, number of child labor violations for which penalties were imposed, number of child labor penalties imposed that were collected, whether routine inspections were conducted, and whether unannounced inspections were conducted. | 2016 – 2020 |
| | Institutionalize training for labor inspectors, including by training new labor inspectors at the beginning of their employment and providing refresher courses. | 2020 |
| | Strengthen the labor inspectorate by initiating targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents. | 2020 |
| | Publish information on criminal law enforcement efforts, including initial training for new criminal investigators, training on new laws related to the worst forms of child labor, whether refresher courses were provided, number of investigations related to the worst forms of child labor, number of violations found, number of prosecutions initiated, and number of imposed penalties for violations related to the worst forms of child labor. | 2017 – 2020 |
| Government Policies | Publish activities undertaken to implement the Tuvalu Human Rights National Action Plan (2016–2020) during the reporting period. | 2020 |
| Social Programs | Collect and publish data on the extent and nature of child labor, including in the fishing sector, to inform policies and programs. | 2010 – 2020 |
| | Institute programs to address child labor in the fishing sector. | 2009 – 2020 |

MODERATE ADVANCEMENT

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