

In 2017, Tuvalu made a minimal advancement in efforts to prevent the worst forms of child labor. The government passed the Labor and Employment Relations Bill, which reportedly includes provisions to bring national legislation into compliance with international standards on child labor. Despite new initiatives to address child labor, Tuvalu is receiving this assessment because it continued a practice that delayed advancement in eliminating the worst forms of child labor. In 2017, the government did not conduct worksite inspections at the national level, which impeded the enforcement of child labor laws. Tuvalu's legal framework does not include a minimum age for hazardous work or prohibitions of forced labor or child trafficking, leaving children vulnerable to the worst forms of child labor. In addition, Tuvalu lacks data to determine the prevalence and nature of child labor in the country. Although research is limited, there is evidence that children in Tuvalu engage in child labor in fishing.

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. (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 (%)		112.2

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2018. (3)
Data were unavailable from Understanding Children's Work Project's analysis, 2018. (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 (1)

Tuvalu lacks data to determine the prevalence and nature of child labor in the country.

II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Tuvalu's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for hazardous work.

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 (5)
Minimum Age for Hazardous Work	No		Articles 85–87 of the Employment Act (5)
Identification of Hazardous Occupations or Activities for Children	No		Articles 85–87 of the Employment Act (5)
Prohibition of Forced Labor	No		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 (5; 6; 7; 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 (6; 8)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 136–137, 139–143, and 166 of the Penal Code (6)
Prohibition of Using Children in Illicit Activities	No		Articles 141–142 of the Penal Code (6)
Prohibition of Military Recruitment			
State Compulsory	N/A†		
State Voluntary	N/A†		
Non-state	No		
Compulsory Education Age	Yes	15	Education Order (9)
Free Public Education	No		

† No standing military (10)

Tuvalu has not determined by national law or regulation the types of hazardous work prohibited for children; existing provisions only apply to a male person under the age of 18 in the industry, mining, and fishing sector. (5) In 2017, the government enacted the Labor and Employment Relations Bill, which reportedly includes provisions on the minimum age for employment and prohibits the use of children in hazardous work. (2) However, the provisions reportedly do not specify the minimum age to engage in hazardous occupations or the types of work that are considered hazardous. (5)

Based on Tuvalu's anti-forced labor provisions, it is a misdemeanor to unlawfully compel a person to perform labor against his or her will. (6) In addition, the laws do not explicitly prohibit debt bondage for children. (5)

Tuvalu's laws prohibiting commercial sexual exploitation of children do not meet international standards, because the use, procurement, or offering of boys ages 15 through 17 is not criminally prohibited. (6; 11) In addition, the laws do not specifically criminalize the use, procurement, or offering of a child under 18 for pornography or pornographic performances, or for other illicit activities, such as the production and trafficking of drugs. (6; 12) 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. (8) The laws do not prohibit recruiting children under age 18 into non-state armed groups. (2)

Laws in Tuvalu do not ensure free basic education, but there is a policy that sufficiently provides for free basic education. (13; 14; 15; 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, the absence of worksite inspections conducted at the national level in Tuvalu impeded the enforcement of child labor laws during the year.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Department of Labor	Enforce labor laws, including those related to child labor. (16)
Tuvalu Police Force	Enforce criminal laws related to the worst forms of child labor. (16)

Labor Law Enforcement

In 2017, the absence of worksite inspections conducted at the national level in Tuvalu impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown (16)	\$0 (2)
Number of Labor Inspectors	2 (16)	2 (2)
Inspectorate Authorized to Assess Penalties	No (16)	No (2)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown (16)	N/A (2)
Training on New Laws Related to Child Labor	N/A (16)	N/A (2)
Refresher Courses Provided	Unknown (16)	No (2)
Number of Labor Inspections Conducted	Unknown (16)	0 (2)
Number Conducted at Worksites	Unknown (16)	0 (2)
Number of Child Labor Violations Found	0 (16)	0 (2)
Number of Child Labor Violations for Which Penalties were Imposed	N/A (16)	0 (2)
Number of Child Labor Penalties Imposed that were Collected	N/A (16)	N/A (2)
Routine Inspections Conducted	No (16)	No (2)
Routine Inspections Targeted	No (16)	No (2)
Unannounced Inspections Permitted	Yes (16)	Yes (2)
Unannounced Inspections Conducted	No (16)	No (2)
Complaint Mechanism Exists	No (16)	No (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown (16)	Unknown (2)

Inadequate financial resources hamper the Labor Inspectorate's capacity to formally monitor and enforce child labor laws. (17; 2)

Criminal Law Enforcement

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

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown (16)	No (2)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	No (2)
Refresher Courses Provided	Unknown (16)	No (2)
Number of Investigations	Unknown (16)	0 (2)

Table 7. Criminal Law Enforcement Efforts Related to Child Labor (cont)

Overview of Criminal Law Enforcement	2016	2017
Number of Violations Found	Unknown (16)	0 (2)
Number of Prosecutions Initiated	Unknown (16)	0 (2)
Number of Convictions	Unknown (16)	0 (2)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (16)	Yes (2)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Research found no evidence that the government has established mechanisms to coordinate its efforts to address child labor. (2; 18)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including incorporating child labor issues into relevant policies.

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

Policy	Description
Free Education Policy	Establishes free basic education for children ages 6 through 13. (13; 14; 2)
Tuvalu National Human Rights Action Plan (2016–2020) [†]	Consolidates the government’s human rights coordination and delivery of services, including the UN CRC. (19)

[†] Policy was approved during the reporting period.

[‡] The government had other policies that may have addressed child labor issues or had an impact on child labor. (20; 21)

Research found no evidence that the government has integrated child labor elimination and prevention strategies into the Free Education Policy or the UNDAF for the Pacific Region. (22; 23)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 9). However, gaps exist in these social programs, including programs addressing the problem in the fishing sector.

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. (24; 25)
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. (14)
Government Vocational Training Programs [†]	Government-funded programs that provide vocational training to children who have finished compulsory primary education. Includes 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. (14)

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

Research was unable to determine whether activities were undertaken to implement these social programs during the reporting period. Additionally, research found no evidence of programs to 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 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 182 on the Worst Forms of Child Labor.	2013 – 2017
	Ensure that the law establishes the minimum age for hazardous work as age 18.	2009 – 2017
	Determine the types of hazardous work prohibited for all children in consultation with employers' and workers' organizations.	2017
	Ensure that the law explicitly prohibits debt bondage for children.	2017
	Ensure that the law criminalize the use, procurement, and offering of boys ages 15 through 17 for prostitution, and all children for the production of pornography and/or for pornographic performances.	2009 – 2017
	Ensure that the law criminalize the use, procurement, and offering of all children for illicit activities, including the production and trafficking of drugs.	2013 – 2017
	Ensure that the law prescribes harsher penalties for child trafficking and forced labor.	2015 – 2017
	Ensure that the law criminalize the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
Enforcement	Dedicate sufficient resources for child labor law enforcement.	2009 – 2017
	Conduct routine and targeted labor inspections.	2017
	Institutionalize training for labor inspectors and for investigators.	2017
	Authorize the labor inspectorate to assess penalties for child labor violations.	2015 – 2017
	Strengthen the inspection system by conducting unannounced inspections.	2016 – 2017
	Establish a mechanism to receive child labor complaints.	2015 – 2017
	Publish information on whether a reciprocal referral mechanism exists between labor authorities and social services.	2017
Coordination	Ensure that coordinating mechanisms function to combat child labor effectively.	2009 – 2017
Government Policies	Integrate child labor elimination and prevention strategies into the Free Education Policy and the UNDAF for the Pacific Region.	2010 – 2017
Social Programs	Conduct research to better understand the extent and nature of child labor, including its worst forms, in Tuvalu.	2010 – 2017
	Institute programs to address child labor in the fishing sector.	2009 – 2017

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