

In 2018, Tuvalu made a minimal advancement in efforts to prevent the worst forms of child labor. The government made efforts by doubling the number of labor inspectors from the previous year from two to four. Additionally, the government passed the Labour and Employment Relations Act which prohibits the worst forms of child labor, and it has continued conducting consultations throughout the country on the proposed Child Protection and Welfare law. 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 data to determine the prevalence and nature of child labor in the country.

## 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. (1-3) 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 (%)		104

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2019. (4)

Source for all other data were unavailable from International Labor Organization's analysis, 2019. (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 (1,6)
Services	Domestic work (6)

Tuvalu lacks data to determine the prevalence and nature of child labor in the country. (3,6)

## 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	

## MINIMAL ADVANCEMENT

**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 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 Labour and Employment Relations Act (6,7)
Minimum Age for Hazardous Work	Yes	18	Article 44 of the Labour 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 Labour and Employment Relations 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 (6-10)
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 Labour and Employment Relations Act; Articles 136–137, 139–143, and 166 of the Penal Code (6-8)
Prohibition of Using Children in Illicit Activities	Yes		Article 46 of the Labour 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 Labour 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 Department of Labor, along with the ILO, conducted consultations on ratifying international labor conventions and implementing its international commitments with the government and NGO stakeholders. (6) Additionally, the government continued its review of the draft 2017 Child Protection and Welfare Bill. (6,13) This will be the first law in Tuvalu to make comprehensive provisions for issues related to the rights, protection, and welfare of children. With support from UNICEF, the Government of Tuvalu has conducted consultations throughout the country on the proposed law. (6)

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 the age of 18 in the industry, mining, and fishing sectors. (2,7,14)

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) The laws also 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 provides for free basic education. (2,6,15-17)

### 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 the Department of Labor 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. (18)
Tuvalu Police Force	Investigates and enforces criminal laws related to the worst forms of child labor. (6,18)

#### **Labor Law Enforcement**

In 2018, 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 financial resource allocation.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	\$0 (2)	Unknown (6)
Number of Labor Inspectors	2 (2)	4 (6)
Inspectorate Authorized to Assess Penalties	No (2)	Unknown (6)
Initial Training for New Labor Inspectors	N/A (2)	Unknown (6)
Training on New Laws Related to Child Labor	N/A (2)	N/A (6)
Refresher Courses Provided	No (2)	Yes (6)
Number of Labor Inspections Conducted	0 (2)	Unknown (6)
Number Conducted at Worksite	0 (2)	Unknown (6)
Number of Child Labor Violations Found	0 (2)	0 (6)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (2)	0 (6)
Number of Child Labor Penalties Imposed that Were Collected	N/A (2)	0 (6)
Routine Inspections Conducted	No (2)	Yes (6)
Routine Inspections Targeted	No (2)	Yes (6)
Unannounced Inspections Permitted	Yes (2)	Yes (6)
Unannounced Inspections Conducted	No (2)	Unknown (6)
Complaint Mechanism Exists	No (2)	Yes (6)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown (2)	Yes (6)

In 2018, the Government of Tuvalu doubled the number of labor inspectors from two to four. (6)

Despite adding new labor inspectors, insufficient financial resources hampered the labor inspectorate's capacity to formally monitor and enforce child labor laws, leaving the government to rely on local communities to report potential offenses. (2,3,6,19)

#### **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	2017	2018
Initial Training for New Criminal Investigators	No (2)	Unknown (6)
Training on New Laws Related to the Worst Forms of Child Labor	No (2)	N/A (6)
Refresher Courses Provided	No (2)	Unknown (6)
Number of Investigations	0 (2)	Unknown (6)

## MINIMAL ADVANCEMENT

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

Overview of Criminal Law Enforcement	2017	2018
Number of Violations Found	0 (2)	0 (6)
Number of Prosecutions Initiated	0 (2)	0 (6)
Number of Convictions	0 (2)	0 (6)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	Unknown (20)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (2)	Yes (6)

During the reporting period, the U.S. Embassy in Suva provided trafficking-in-persons training to the Tuvalu Police Force. (6)

## 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 (NACCRC)	Coordinates child protection issues and implements the Convention on the Rights of the Child. Led by Ministry of Education and the Office of the Attorney General. (6,20) Maintains a Child Protection Desk to support and coordinate the implementation of the child protection work program, and ensures coherence of child protection intervention efforts of NACCRC. (6,20,21) During the reporting period, a review and public consultations of the Child Protection and Welfare Bill were held. (20)
Free Education Policy	Establishes free basic education for children ages 6 through 13. (6) This mechanism was active during the reporting period. (20)

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

**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. (23)
Tuvalu National Human Rights Action Plan (2016–2020)	Consolidates the government's human rights coordination and delivery of services, including implementation of the UN CRC. (22) This policy was active during the reporting period. (20)
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. (24) During the reporting period, the government engaged researchers to undertake child protection baseline research, as part of its 2017 Child Protection Work Plan. The research is expected to determine the prevalence and causes of child protection issues. (6)

† 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. (25)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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 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. (26) Prioritizes children's rights, including the elimination of the worst forms of child labor. Aligned with the UN Pacific Strategy 2018–2022. (26) During the reporting period, consultants were hired to conduct child protection baseline research. (20)
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. (27,28) Seeking funding to continue to support labor laws and ratification of international conventions. (6) This program was active during the reporting period. (20)
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. (16) This program was active during the reporting period. (20)
Government Vocational Training Programs†	Government-funded programs that provide vocational training to children who have finished compulsory primary education. Includes the High School Vocational Training Program at Motufoua Secondary School, which provides vocational training to students starting at year 13. (16,21) This program was active during the reporting period. (20)

\* Program was launched during the reporting period.

† Program is funded by the Government of Tuvalu.

During the reporting period, the Office of the Attorney General and Ministry of Education, Youth and Sports, with support from UNICEF Pacific, began implementing various child protection interventions that align with the 2018–2022 UNICEF Pacific Multi-Country Child Protection Program. (6) The Government of Tuvalu continued working with the ILO to extend the now expired Decent World Country Program. (29)

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 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 182, UN CRC Optional Protocol on Armed Conflict, UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Palermo Protocol.	2013 – 2018
	Determine the types of hazardous work prohibited for all children in consultation with employers' and workers' organizations.	2017 – 2018
	Ensure that the law criminalizes the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
Enforcement	Dedicate sufficient financial resources for child labor law enforcement.	2009 – 2018
	Institutionalize training for labor inspectors and for investigators.	2017 – 2018
	Publish labor law enforcement information, including labor inspectorate funding, ability to assess penalties, initial training for new labor inspectors, the number of labor inspections conducted, and the number of unannounced inspections conducted.	2016 – 2018
	Publish comprehensive information on criminal law enforcement efforts related to child labor, including training for investigators, and the number of investigations conducted.	2018
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2010 – 2018
	Institute programs to address child labor in the fishing sector.	2009 – 2018

## MINIMAL ADVANCEMENT

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