



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: KIRIBATI

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , except for the 2000, 2001 and 2004 Annual Reviews (ARs).
	Involvement of Employers' and Workers' Organizations in the reporting process	YES , according to the Government: Involvement of the Kiribati Chamber of Commerce (KCC) and the Kiribati Trade Union Congress (KTUC) by means of consultations and communication of Government's reports.
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' Organizations	2008 AR: Observations by the KCC. 2007 AR: Observations by the KCC. 2006 AR: Observations by the KCC. 2003 AR: Observations by the KCC. 2002 AR: Observations by the KCC.
	Workers' Organizations	2008 AR: Observations by the KTUC. 2007 AR: Observations by the KTUC and its affiliates. 2006 AR: Below are the joint general observations by the following workers' organisations: <ul style="list-style-type: none"> • The Botakin Karikirakean Aroia Taan Murakuri (BKATM); • The Bank of Kiribati Union (BOKU); • The Betio Ports and Stevedoring Union (BPSU); • The Housing Workers' Union (HWU); • The Kiribati Islands Overseas Seafarers' Union (KIOSU); • The Kiribati Nursing Association (KNA); • The Kiribati National Union of Teachers (KNUT); • The Kiribati Overseas Fishermen Union (KOFU); • The NANOTASI Garment Union (NGU); • The Postal Services Union (PSU); and • The Kiribati Trade Union Congress (KTUC). 2005 AR: Observations by the KTUC. 2002 AR: Observations by the KTUC.

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	<p>Kiribati has ratified neither the Minimum Age Convention, 1973 (No. 138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182).</p> <p>However, Kiribati has ratified in 2002 the United Nations Convention on the Right of the Child (UNCRC).</p>
		Ratification intention	<p>YES, since 2002 for both C.138 and C.182.</p> <p>2008 AR: The Government reiterated its support for the ratification of Conventions Nos. 138 and 182, and indicates that consultations are in process to that effect.</p> <p>The KCC reiterated its strong support to the ratification of C.138 and C.182.</p> <p>The KTUC indicated once again that it hoped that the remained ILO fundamental Conventions would be ratified soon.</p> <p>2007 AR: The Government expressed its intention to ratify C.138 and C.182 during the Celebration of 50 years of ILO Presence in the Pacific Region held in Suva, Fiji in December 2005. It hoped that these ratifications would take place soon.</p> <p>The KCC expressed its strong support to ratification for C.138 and C.182 by Kiribati.</p> <p>The KTUC appreciated the Government's intention to ratify the remaining ILO fundamental Conventions, and hoped that this ratification would take place very soon.</p> <p>2006 AR: According to the Government, consultations and cost/benefit analysis on ratification of C.138 and C.182 are in process, in cooperation with the ILO. Kiribati intends to ratify these instruments. Ratification of C.138 and C.182 is supported by the KCC and the KTUC.</p> <p>2005 AR: The Government stated that ratification of C.138 and C.182 had been discussed with the ILO. This issue would be considered positively in due course.</p> <p>2001 AR: based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001), the Government had the intention to ratify C.138 and C.182.</p>
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NO , according to the Government.
		Policy, legislation and/or regulations	YES, 2008 AR: According to the Government: several amendments relating to child labour are currently before the Attorney General's Office for consultation and will be adopted by the end of 2007. The KCC indicated that it had submitted to Cabinet as a bill that integrates the principles of the four remaining conventions. This said Bill will subsequently be submitted to the new Parliament that will established in August 2007 after elections. 2005 AR: Policy: the Employment Ordinance (CAP 30) 1998 (Part X, Sections 84-90).
		Basic legal provisions	(i) The Employment Ordinance (CAP 30), 1998, Part IX, sections 84-90; and (ii) of the Penal Code (CAP 67) (Revised) 1998, section 132.

		Judicial decisions	2006 AR: No judicial decision was made on child labour issues.
	Exercise of the principle and right	Compulsory education	YES, since late 1970s, education is free and compulsory for all children aged from 6 to 14 in primary and junior secondary schools; with a general requirement of 9 years or grades of instruction. The age of children at the end of compulsory schooling (14) matches with the minimum age for admission to employment or work.
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Minimum age	2005 AR: YES, the general minimum age for admission to employment or work is 14 years for both boys and girls. The Employment Ordinance (CAP 30) 1998, PART IX, section 84, prohibits the employment of any person under the age of 14. According to the Government: This general minimum age covers the following types of work: Work performed in a family-owned or operated enterprise; work performed in all enterprises; domestic service; self-employed work; commercial agriculture; light work; and work performed in export processing zones. It does not cover homework and work undertaken in family and small-scale agriculture. Members of the family are allowed to participate in family duties. Hazardous work is not defined in national legislation. However, an Occupational Safety and Health Bill has been submitted to the ILO for comments.
		Worst Forms of Child Labour	YES, a recent survey carried out in 2005 by the Government in cooperation with UNICEF registered some cases of child prostitution. This scourge is growing.
		Special attention to particular situations	NIL
		Information/Data collection and dissemination	2008 AR: The Government indicated that a survey on the issue of child labour is being undertaken since the beginning of 2007. 2006 AR: YES, under the UNCRC Initial Report, 2003. Information and data on the PR have been collected during the preparation of the Initial Report on the Implementation of the UNCRC in March 2003, in cooperation with UNICEF.
	Monitoring, enforcement and sanctions mechanisms	2006 AR: According to the Government: the Kiribati Advisory Committee for Children (KACC) is responsible for the general implementation and monitoring of the Convention on the Rights of the Child, and putting the Convention into law. The Labour and Employment Division of the Ministry of Labour and Human Resource Development is entrusted to enforce laws concerning the PR. In addition, the Ministry of Education is responsible for ensuring school attendance. In the case of contravention to the minimum age provisions in Section 84 of the Employment Ordinance (CAP 30) 1998, section 90 of the same Ordinance provides for penal sanctions (fine of Aus \$50 (about 44 US\$ as of October 2005). Section 132 of the Penal Code (CAP 67) (Revised) 1998 provides for imprisonment in case of attempt of or abduction of girls under the age of 18 with intent to have sexual intercourse. This penalty also applies to those who procure or attempt to procure those girls.	
Involvement of the social partners	2006 AR: According to the Government: The KCC and the KTUC are represented in the national tripartite Decent Work Agenda Steering Committee, which considers decent work issues, including the child labour aspect. They are also participating in the labour law reform process and ratification discussions, in cooperation with the ILO. Trade unions participate actively in the discussions and decision-making process of the national tripartite Decent Work Agenda Steering Committee that also considers child labour issues. 2005 AR: According to the Government: the KCC and the KTUC participated in the labour law review process to integrate the provisions of C.138 and C.182 into national Bills.		

	<p>Promotional activities</p>	<p>2008 AR: The Government indicated that a survey on the issue of child labour was being undertaken since the beginning 2007. The KTUC indicated that in 2006 it had participated in the labour law review aiming at integrating ILO fundamental principles into the national legislation.</p> <p>2007 AR: The Government published a booklet on the ILO fundamental Conventions, in cooperation with the ILO. Moreover, Kiribati (the Government, the KCC and the KTUC) participated in the activities concerning the promotion of the ILO Declaration during the Celebration of 30 years of the ILO Presence in the Pacific Region held in Suva in December 2005. The KCC indicated that it was taking part in the labour law revision process that it hoped would integrate the provisions of ILO fundamental Conventions into national laws.</p> <p>2005-2006 ARs: According to the Government: Workshops were organized in 2004 to promote labour changes. Training of Labour Officers in 2005 on the PR, reporting and cost/benefit analysis for ratification of C.138 and C.182, in cooperation with the ILO. A Decent Work Agenda is being implemented in the country since January 2005: This Committee also considers child labour issues.</p>				
	<p>Special initiatives/Progress</p>	<p>2008 AR: According to the KCC: the «Korekorea» scourge is being addressed by a Korean institution in collaboration with the Kiribati Government. In addition, the Government is cooperating with the ILO Youth unemployment programme and with the New Zealand's International Aid and Development Agency (NZAID) that are currently dealing with the «Korekorea» issue.</p> <p>2006 AR: According to the Government: Free and compulsory education for all is ensured until the age of 14. Moreover, the new Government set up in January 2005 a national tripartite Decent Work Agenda Steering Committee, in cooperation with the ILO. This Committee considers decent work issues, including the child labour aspect.</p>				
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the Social Partners</p>	<table border="1"> <tr> <td data-bbox="741 719 1003 1102"> <p>Employers' Organizations</p> </td> <td data-bbox="1003 719 2065 1102"> <p>2007 AR: According to the KCC: The Government is now working with KCC, KTUC and NGOs to fight against the «Korekorea» scourge, namely by establishing first of all a legal framework including sanctions. Some child labour cases are noted in the informal economy (child street vendors, etc.), and KCC is strongly opposed to this phenomenon. It requests the Government to take immediate action on this issue, including legal sanctions.</p> <p>2006 AR: According to the KCC: The national legal framework of the PR should be reviewed and upgraded where necessary and «the Korekorea scourge in Kiribati is mainly caused by unemployment». Prostitution of young girls below the age of 18 with Korean fishermen.</p> <p>2002 AR: Observations of the KCC: (i) the term «general» with regard to the general minimum age for admission to employment is unclear; (ii) child labour is a growing issue particularly in South Tarawa and Betio.</p> </td> </tr> <tr> <td data-bbox="741 1102 1003 1455"> <p>Workers' Organizations</p> </td> <td data-bbox="1003 1102 2065 1455"> <p>2007 AR: According to the KTUC: «Korekorea» is still persisting, and the ILO should assist Kiribati in solving this problem.</p> <p>2006 AR: According to the KTUC and its affiliates, the challenges are as follows: (i) Child labour in general: There are some borderline cases such as work that could harm the health, safety and morals of children. In particular, this is the case for children selling garlands in nightclubs and bars in Betio or children selling brooms from house to house; (ii) Worst Forms of Child Labour: «Korekorea»: Some young girls below the age of 18 become «Korekorean» by going to night clubs to have a drink with Korean fishermen and end up on board Korean fishing vessels. The Council of Churches is very concerned about this situation, and the police seems powerless in protecting the girls involved and enforcing laws; and (iii) Lack of legislation to eradicate the worst forms of child labour in Kiribati.</p> </td> </tr> </table>	<p>Employers' Organizations</p>	<p>2007 AR: According to the KCC: The Government is now working with KCC, KTUC and NGOs to fight against the «Korekorea» scourge, namely by establishing first of all a legal framework including sanctions. Some child labour cases are noted in the informal economy (child street vendors, etc.), and KCC is strongly opposed to this phenomenon. It requests the Government to take immediate action on this issue, including legal sanctions.</p> <p>2006 AR: According to the KCC: The national legal framework of the PR should be reviewed and upgraded where necessary and «the Korekorea scourge in Kiribati is mainly caused by unemployment». Prostitution of young girls below the age of 18 with Korean fishermen.</p> <p>2002 AR: Observations of the KCC: (i) the term «general» with regard to the general minimum age for admission to employment is unclear; (ii) child labour is a growing issue particularly in South Tarawa and Betio.</p>	<p>Workers' Organizations</p>	<p>2007 AR: According to the KTUC: «Korekorea» is still persisting, and the ILO should assist Kiribati in solving this problem.</p> <p>2006 AR: According to the KTUC and its affiliates, the challenges are as follows: (i) Child labour in general: There are some borderline cases such as work that could harm the health, safety and morals of children. In particular, this is the case for children selling garlands in nightclubs and bars in Betio or children selling brooms from house to house; (ii) Worst Forms of Child Labour: «Korekorea»: Some young girls below the age of 18 become «Korekorean» by going to night clubs to have a drink with Korean fishermen and end up on board Korean fishing vessels. The Council of Churches is very concerned about this situation, and the police seems powerless in protecting the girls involved and enforcing laws; and (iii) Lack of legislation to eradicate the worst forms of child labour in Kiribati.</p>
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	<p>According to the Government</p>	<p>2008 AR: The Government reiterated the challenges indicated in the 2007 AR and added that the staff lacked sufficient training and education.</p> <p>2007 AR: The Government supported the views expressed by KCC and KTUC. It hoped that: (i) ILO technical cooperation would help Kiribati solve the various problems it is facing with respect to the realization of the PR; and (ii) these problems would be addressed in the labour law revision and ratification process, taking into consideration the good political will on the part of the Government.</p> <p>2006 AR: National laws may need to be reviewed with a view to ensuring compliance with the provisions of C.138 and C.182. The Government is currently working with the ILO on labour law reform. Moreover, some cases of child prostitution have been found. According to a recent survey on child commercial and sexual exploitation in Kiribati carried out in 2005 by the Government in cooperation with UNICEF, some 40 prostitutes called «Korekorea» (Those who «go» with Korean fishermen) exist in the country, amongst which 20 are under the age of 18. This phenomenon is growing.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: The Government reiterated the request made in the 2007 AR on the labour law review in Kiribati and would appreciate the assistance of ILO in the organization of several workshops in order to enhance leadership among the different social partners. It also, along with the KCC and the KTUC strongly wishes to be part of the upcoming IPEC Program in the Pacific which is currently only based in the Fiji and Papua New Guinea.</p> <p>2007 AR: The Government indicated that the ILO should continue maintain its assistance concerning the labour law review in Kiribati. It also expressed its support to the KCC's and KTUC's requests for capacity building. According to the KCC: ILO assistance on labour law review should be sustained. Strong ILO support is needed to assist KCC in promoting and realizing the PR. Capacity building assistance to KCC is also needed. According to the KTUC: ILO assistance on labour law revision should continue. ILO's strong support is needed to assist KTUC in promoting and realizing the PR. Capacity building assistance to KTUC is also needed</p> <p>2006 AR: According to the Government: Kiribati would appreciate further ILO technical cooperation for the realization of the PR in the country, namely through the preparation (survey and validation seminar) and launch of a national IPEC Programme focused on labour law review, capacity building of labour administration, employers' and workers' organizations and other stakeholders, income generation activities, public awareness raising on the PR, and fight against the worst forms of child labour, namely the growing phenomenon of child prostitution. According to the KCC: It requests ILO technical cooperation under an IPEC Programme focused on employment creation, awareness raising on child labour issues and fight against Korekorea and the worst forms of child labour in general. In this respect, the KCC should also be supported in terms of technical and material capacity building and in terms of generating business and employment. According to the workers organizations: The KTUC and its affiliates request that ILO technical cooperation should be provided for labour law reform and enforcement to fight against child labour and its worst forms in Kiribati, and for public awareness raising and capacity building of government institutions, employers' and workers' organizations and other stakeholders on the issue of child labour and its worst forms. They strongly support the Government's request for ILO technical cooperation under an IPEC Programme.</p>
	<p>Offer</p>	<p>2006 AR: YES, mainly ILO (Decent Work Agenda, international labour standards, labour law reform, reporting and technical advice concerning on cost/benefit analysis for ratification of C.138 and C.182) and UNICEF (Initial Report under the UNCRC and various surveys and technical/material assistance).</p>

<p>EXPERT-ADVISERS' RECOMMENDATIONS/ OBSERVATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as new member States, in particular in the South Pacific (as well as China and the Gulf States) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs also considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Kiribati, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraphs 12 and 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs noted the paucity of practical information of several reports, including the one of Samoa, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting (Cf. Paragraph 52 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL.</p>