

Committee on the Application of Standards

Date: 14 June 2021

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

► Information on the application of ratified Conventions supplied by governments on the list of individual cases

Kiribati (ratification: 2009)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Government has provided the following written information.

Article 3 of the Convention. Worst forms of child labour. Clause (b). Use, procuring or offering of a child for prostitution.

The Government of Kiribati ratified the convention for Worst Forms of Child Labour in 2009 indicating its strong stance to eradicate all worst forms of child labour in the country.

In 2015 the Employment and Industrial Relations bill was adopted by parliament and recently gazette in 2019.

Ministry of Employment and Human Resource responsible for implementation of this act has employed 4 inspectors. These inspectors had carried out a total of 526 inspections from 2017 to 2020. Out of these inspections, 303 of these businesses show continuous non-conformity to conditions of employment such as hours of work, unpaid wages and unfair terminations. In conducting labour inspections, inspectors have developed a schedule to conduct inspections to all businesses in Kiribati. The lists of registered businesses are provided by Ministry of Commerce and Industry and Cooperatives. Labour Inspectors are working with Police department for prosecutions of the more serious ongoing non-compliance. Till date Police indicates along with records of cases in Judiciary that there are still no cases regarding prosecution on Child labour.

Moreover, Social partners along with relevant stakeholders in conjunction the government realize the crucial need of better coordination in combatting worst forms of child labour.

Clause (c). Use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs.

The government notes the lack of enforcement mechanisms in place in combatting worst forms of child labour. Adoption of regulations on lists of light works and hazardous

works will assist in combatting activities relating to worst forms of child labour. Also future trainings and capacity building for labour inspectors will ensure competency of officers in conducting awareness on activities prohibited in the EIRC and also in effective implementation/enforcement of the code.

Clause (d) and Article 4. Hazardous work and determination of types of hazardous work.

While the government acknowledges the findings from the studies conducted and reports submitted indicating that there are worst forms of child labour in Kiribati; the government is still finalising the amendment of the minimum age and preparing the reading of the Bill to enact the amendment in the upcoming Parliament session in August 2021 which will be followed by the finalisation of the Regulation to List of Hazardous works and light works for children. The findings will be the baseline for these legislative reform initiatives as the government shares the concern from stakeholders about the predicament of children worked in these harsh conditions, environment and the impacts it will have to them, if they are not protected accordingly.

Labour Inspections has not been extended to the private and informal sector and in sectors indicated in the studies and reports to be the place where there is high risk of illegal child labour such as in fishing vessels, kava bars, street vending, domestic works and night clubs. Recent discussions with Social Partners in 2019-2020 Decent Work Advisory Board meetings, indicates a need for proper technical assistance in development of tools and regulations for combatting worst forms of child labour for these sectors. Labour Inspectors also require proper capacity building on this type of inspection to ensure these activities are clearly identified to ensure successful prosecution.

Domestic works such as toddy cutting and processing of seafood, working with uncontrolled animals are some of the normal occurrences in a traditional domestic setting of Kiribati societies and families. Regulating these works for children at a young age, will be detrimental to the skill set required by the youth in order to survive on an atoll, especially for those living in outer islands in rural settings as well as breakaway from the norms of Kiribati culture. This is why the lists of hazardous works and light works regulations that the government has stated earlier, has been noted by tripartite partners in the DWAB meetings to require further consultation to ensure that it is applicable to the context of Kiribati.

The government however further reiterates the need for capacity building for labour inspectors and technical assistance required for development of an effective and contextual inspection system and procedure specifically for combatting worst forms of child labour.

Article 5. Monitoring mechanisms.

Ministry of Employment and Human Resource has already initiated discussion with Kiribati Police Force and MWYSSA on a joint inspection program to places considered of high risk. This includes places such as kava bars, night clubs and prostitution on foreign fishing vessels. Inspection in these high risk areas however has not started. The government notes the importance of adoption of relevant regulations and required training/capacity building as crucial initially before commencing in these inspections.

Article 7(1). Penalties.

The government notes recommendation of the committee in regards of the penalties imposed by EIRC for cases of worst forms of child labour and ensure sufficient

effective and dissuasive sanctions of imprisonment are applied for these cases. The government will conduct consultations on this recommendation with DWAB and provide updates in next reporting cycle.

Article 7(2). Effective and time-bound measures. Clauses (a) and (b). Preventing the engagement of children in the worst forms of child labour, removing them from these worst forms of child labour and ensuring their rehabilitation and social integration. Commercial sexual exploitation.

MWYSSA is currently developing Child protection referral pathway that will be coordinated by the Child Protection Working Group, that comprises key related ministries, Kiribati Police Service, Non-Government Organizations and communities. This pathway will be crucial to protection of children in Kiribati. The bodies involved play key role in providing protection and immediate assistance. The CPWG is still to be adopted by government.

Currently there no known cases of children who have been removed from commercial sexual exploitation and provided with rehabilitation and social integration.

Article 7(2). Effective and time-bound measures. Clause (a). Preventing the engagement of children in the worst forms of child labour. Access to free basic education.

The Kiribati Education Act stipulates for children of compulsory age to free enrolment and free education in primary and junior secondary schools. The act also obligates parents to enroll children to schools each year during compulsory education periods. Children are also not to be refused enrolment on discriminatory basis such as gender, religion, race or disability. There are some key programs conducted by the government to ensure this is implemented, through capacity building to teachers on inclusion and gender in education, measures also include national curriculum based on inclusive education.

In addition, the AUSAID project Kiribati Education Improvement Program was initiated in 2010 and started its program in 2011. The projected was done in 3 phases, which involves rehabilitation of primary schools in outers islands, in the Line Islands and in South Tarawa. Some of the programs also includes providing technical assistance and funding in curriculum reformation, capacity buildings for teachers at Kiribati Teachers Institutes and also in line with Inclusive education policy. KIEP also played a key role in construction of Model schools around South Tarawa. These schools are constructed to cater for children with disability in providing them opportunities to attend school, with teachers and staff are specially trained to cater for their needs.