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**Thirteenth sitting, 16 June 2021, 1 p.m.****Treizième séance, 16 juin 2021, 13 heures****Decimotercera sesión, 16 de junio de 2021, 13 horas**

Chairperson: Ms Mvondo

Présidente: M<sup>me</sup> Mvondo

Presidenta: Sra. Mvondo

**Work of the Committee***PV.12 and PV.13 are adopted, as amended.***Travaux de la commission***La commission a adopté le PV.12 et le PV.13, tels qu'amendés.***Trabajos de la Comisión***Se adoptaron las actas 12 y 13, en su tenor modificado.*

**Discussion of individual cases (cont.)**  
**Discussion des cas individuels (suite)**  
**Discusión de los casos individuales (cont.)**

**Kiribati (ratification: 2009)**

Worst Forms of Child Labour Convention, 1999 (No. 182)  
Convention (n° 182) sur les pires formes de travail des enfants, 1999  
Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182)

**Government representative (Ms TOOKI KANOUA)** – It is an honour to stand before this Committee, but I regret that it is to present my Government's case on the Worst Forms of Child Labour Convention, 1999 (No. 182).

It is unfortunate that Kiribati is considered to have some cases of the worst forms of child labour domestically. Recent national reports or surveys show findings of child labour in our country. However, it is important to note that some of the cases identified, such as toddy cutting, are intrinsic cultural practices critical to building resilient citizens and livelihood sustainability in our country that is considered to be one of the least developed in the region. Prohibiting this practice for children at a young age may have high implications in Kiribati communities.

Moreover, the Government strongly condemns all other forms of child labour and is currently working on improving monitoring systems for these types of activities. This can be noted in the report provided by the Kiribati Government that depicts a few of these developments, from policy and legislation reforms, better response systems in forms of referral pathways, and better coordination with stakeholders.

The Government notes the issue with information gathering or centralized database and the need for capacity-building of labour inspectorates and related implementing bodies and also technical assistance for strengthening of legislation to ensure better implementation of the Convention .

The Government wishes to acknowledge the great support of the ILO Regional Office in Suva. The technical advisers have made observable efforts that can be seen in the drafting and adoption of our Country Work Programme 2019–22, the technical assistance provided in some of our legislative reforms that are still to be adopted by Parliament, providing of training and capacity-building to officers involved in implementation of ratified Convention, and so forth.

**Miembros empleadores** — El presente caso trata de la aplicación de un convenio fundamental, el Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182) en Kiribati.

El Convenio es el primer Convenio de la OIT que ha logrado una ratificación universal de sus 187 Estados Miembros. Sin duda un logro histórico que desde el Grupo de los Empleadores celebramos y que siempre hemos apoyado.

También reconocemos que este debate surge en un momento muy oportuno, dado que este año se celebra el año internacional de la eliminación del trabajo infantil.

Sin embargo, y lamentablemente, la ratificación universal no significa una aplicación universal automática en la ley y en la práctica. Es la primera vez que la Comisión debate la aplicación de este convenio que fue ratificado por Kiribati en 2009.

La Comisión de Expertos ha hecho una observación y una solicitud directa señalando las lagunas en el incumplimiento de Kiribati en 2020.

Agradecemos al Gobierno que haya presentado información adicional a la Comisión aclarando algunas cuestiones relativas a la aplicación del Convenio. Lamentamos, no obstante, que esta información se haya transmitido dos días antes de la discusión de este caso.

Las observaciones de la Comisión de Expertos esbozan elementos muy graves de inadecuación de la aplicación del Convenio en Kiribati.

Permítame resumirlos en torno a dos cuestiones.

En primer lugar, en relación con el artículo 3, *b)* del Convenio que prohíbe la utilización, el reclutamiento o la oferta de niños para la prostitución, la producción de pornografía o actuaciones pornográficas.

La Comisión observó que el artículo 118, *f)* del Código de Empleo y Relaciones Laborales, de 2015, prohibía la utilización, el reclutamiento, la oferta de un niño para la prostitución, y establecía una pena de multa de 5 000 dólares de los Estados Unidos, una pena de prisión de diez años, o ambas, para cualquier persona que contraviniera esta disposición.

Observamos que el Gobierno ha proporcionado información sobre la labor de inspección del Ministerio de Empleo y Recursos Humanos llevada a cabo por cuatro inspectores: un total 526 inspecciones, llevadas a cabo entre 2017 y 2020. Sin embargo, nos sorprende que el Gobierno haya informado de que no hay casos ni condenas relacionadas con el mencionado artículo 118, *f)* del Código de Empleo.

En sus observaciones, la Comisión de Expertos identificó varias fuentes, con rigor, en las que hay pruebas de niños que ejercen la prostitución entre 10 y 17 años de edad. Estas fuentes incluyen el programa TACKLE de la OIT en Fiji, el informe del Comité de los Derechos del Niño de marzo de 2020 y el informe del Comité para la Eliminación de la Discriminación contra la Mujer.

Los empleadores apoyamos las solicitudes de la Comisión de Expertos para que el Gobierno adopte las medidas necesarias para garantizar que las personas que contravienen el artículo 118, *f)* del Código de Empleo y Relaciones Laborales sean

investigadas y procesadas convenientemente y para que proporcione información sobre el número de violaciones en virtud de esta disposición.

En segundo lugar, las observaciones de la Comisión de Expertos tienen que ver con las disposiciones del artículo 7, 2), *a)* y *b)* sobre prevenir, librar, rehabilitar e insertar socialmente a los niños que realizan las peores formas de trabajo infantil.

Tomamos nota de que la Comisión de Expertos ha solicitado anteriormente al Gobierno que intensifique sus esfuerzos para prevenir la explotación sexual comercial de los niños y las niñas en el país y que proporcione información sobre las medidas adoptadas para retirarlos de esta forma de trabajo infantil.

El Gobierno presentó y compartió hace dos días alguna información relevante sobre las medidas tomadas al respecto. Acogemos con satisfacción estos esfuerzos y el compromiso de luchar contra estas cuestiones extremadamente graves.

Alentamos al Gobierno a seguir trabajando con los actores sociales y con las organizaciones internacionales de cooperación para el desarrollo para prevenir la explotación de niños y niñas aun en circunstancias socioeconómicas desfavorables.

Asimismo, los empleadores alentamos al Gobierno a seguir aplicando con carácter prioritario las medidas relativas a la concienciación sobre el trabajo infantil y la sensibilización de la comunidad, así como el desarrollo de la capacidad de los inspectores de trabajo, los trabajadores sociales y el sector privado. Por otro lado, teniendo en cuenta el papel de la educación en la prevención de las peores formas de trabajo infantil, los miembros empleadores sugerimos al Gobierno que intensifique sus esfuerzos para facilitar el acceso a la educación básica gratuita a todos los niños, especialmente a las niñas, aumentando las tasas de matriculación y disminuyendo las tasas de abandono escolar.

Los miembros empleadores agradecemos una vez más al Gobierno la información escrita y oral presentada a la Comisión de Normas.

Tomamos nota de que la Oficina de la OIT tiene una serie de programas para los países donde existe el trabajo infantil. Alentamos al Gobierno a que solicite esta asistencia técnica a la OIT para aumentar la capacidad de los mandantes tripartitos, con el fin de aplicar estrategias eficaces y erradicar las peores formas de trabajo infantil, previa consulta oportuna y eficaz a los interlocutores sociales.

Para concluir, queremos destacar que para lograr la meta 8.7 de los Objetivos de Desarrollo Sostenible de eliminar el trabajo infantil en todas sus formas para 2025, es necesario que todos los Gobiernos, las organizaciones de empleadores y de trabajadores y la propia OIT sigamos trabajando.

**Worker members** – This is the first time that our Committee is examining the application of Convention No. 182 on the worst forms of child labour by the Government of Kiribati.

We note that Kiribati ratified the Convention in 2009 and that, since it first reported on the application of the Convention in 2013, the Committee of Experts has been raising the same serious concerns regarding the persistent issue of the use, procuring and offering of a child for prostitution. The situation in Kiribati is deeply worrying as sexual exploitation of girls persists.

Crew members of foreign fishing vessels account for much of the demand for children in the commercial sex sector. These girls generally receive financial support – food, alcohol, or goods – in exchange for sexual services with local collaborators. Detailed information on child prostitution is unfortunately scarce, as the Government does not provide sufficient data to assess the situation. The Rapid Assessment on Child Labour in Tarawa conducted by the ILO International Programme on the Elimination of

Child Labour in 2012 found that, out of the 61 children identified as being involved in child labour, 33 were involved in commercial sexual exploitation.

We note with concern that section 118(2) of the Employment and Industrial Relations Code of 2015, which provides penalties for the worst forms of child labour, establishes a penalty of a fine of US\$5,000, or a term of imprisonment of ten years, or both, for any person engaging in the use, procuring or offering of a child for prostitution or for pornographic or pornographic performances. We echo the Committee of Experts' comments that given the seriousness of these worst forms of child labour and the dissuasive effect that the penalties should have, legislation providing for the possibility of a fine alone cannot be considered effective.

Based on information made available by the Government in 2020, cases of child prostitution tend to go unreported because girls are considered not to be forced and the community at large does not have a clear understanding that this is illegal and dangerous. The absence of any reported cases or convictions relating to the use, procuring or offering of a child for prostitution or for pornography or pornographic performances is all the more concerning and clearly points to serious gaps in measures implemented by the Government to prevent the engagement of children in the worst forms of child labour and to punish perpetrators.

With regard to child protection measures, we note the Government's indication that the Kiribati community police patrol carried out rounds during the night to keep children off the streets in order to prevent and remove child victims from commercial sexual exploitation.

We also note the actions taken to conduct awareness-raising activities among owners and members of kava bars who employ underage girls to work at night and the provision of advice and counselling to these children which empowers them to integrate

into the community, including through education and awareness-raising on the risks of alcohol.

We further note the Child Protection Referral Pathway currently under development by the Ministry of Women, Youth, Sports and Social Affairs. We welcome the efforts made to improve education, teaching system and infrastructure, so as to facilitate access to education for children. These measures are of paramount importance to prevent the engagement of children in the worst forms of child labour and to remove them from such forms and ensure their rehabilitation and social integration.

However, to achieve results, such measures must be supplemented with strong monitoring and inspection mechanisms. In this regard, we note the Government's written information that there are only four inspectors charged with enforcing the Employment and Industrial Relations Code and they lack training and capacity to monitor and eliminate child labour issues.

We also take note of the ongoing discussions between the Ministry of Employment and the Kiribati police force to conduct joint inspections in areas where there is a high risk of worst forms of child labour, such as foreign vessels, kava bars and nightclubs. While we welcome these positive initiatives, we would like to underline that stronger enforcement measures are long overdue and that the Government of Kiribati must take immediate measures to ensure the enforcement of the pertaining legislative, including through sufficiently resourced and trained labour inspection services.

Concerning hazardous work, we are deeply concerned that, according to the Kiribati National Statistics Office, about 15 per cent of children aged between 5 and 17 years are working under hazardous conditions. We refer to the ILO International Programme on the Elimination of Child Labour Rapid Assessment of 2012, which revealed that children were occupied in activities such as stevedoring, loading and unloading of cargo ships,

and some hazardous fishery work, selling goods on the streets, working in mechanical garages or boat sheds, and mixing cement.

We note that the list of hazardous types of work prohibited for children under 18 years of age was developed by the Ministry of Employment with the assistance of the ILO, and is currently pending the upcoming Parliament session in August 2021. We call on the Government to expedite the adoption of the list of hazardous types of work, in line with the Convention, and to conduct regular labour inspection visits to detect violations and impose dissuasive sanctions.

**Worker member, Kiribati (Mr IOANE)** – I stand here for the protection of the rights of workers, which depends not only on a strong legislative structure, but also an effective enforcement mechanism.

Kiribati ratified the Convention in 2009. The Employment and Industrial Relations Code, 2015 (EIRC), section 118(f), prohibits the use, procuring or offering of a child for prostitution. A penalty of \$5,000 or a prison term of ten years, or both, is stipulated for its contravention.

We notice that several reports from international institutions such as ILO, IPEC and the UN Country Team Fiji, which covers Kiribati, have strongly highlighted the engagement of children in prostitution, including on foreign boats as the most common place for children in prostitution.

Unfortunately, no case or conviction relating to section 118(f) of the EIRC has been reported by the Government to the Committee of Experts.

It is very clear that the Government's failure to provide information to the ILO supervisory bodies is a serious neglect of responsibility. We also concur with the view that an ineffective inspection system does not benefit anyone.

In addition, gaps also exist in Kiribati's legal framework to adequately protect children from the worst forms of child labour, from working in hazardous occupations, or activities prohibited for children, as well as child trafficking. Kiribati has not identified in national law or regulations the types of hazardous work prohibited for children.

Under article 116 of the Employment and Industrial Relations Code, the law does not specify the activities and hours of work per week that are acceptable for children engaged in light work. The law is also silent on the conditions under which light work can be undertaken.

Kiribati's laws prohibiting child trafficking are insufficient because they do not specifically prohibit trafficking children domestically.

Please allow me to give some examples from the ground to illustrate how serious the existence of worst forms of child labour looks like in Kiribati:

Until now, it is not unusual to go shopping in the night and you will see one or two kids selling home-made jewels or local products. The kids are being abused by their guardians or parents.

In the kava bar, you will often see children either roaming around or sitting in the bar with customers.

Concerning commercial sexual exploitation, young girls from the age of 14 upwards, will board foreign fishing boats in the port and offer themselves to the crew for gifts or money in return.

It is therefore necessary for this Committee to intervene urgently to prevent children from engaging in these activities. Commercial sexual exploitation of children in Kiribati must end.

Above all, the Government of Kiribati has to strengthen its efforts to prevent the worst forms of child labour. The Government must take the necessary steps to remove children from the worst forms of child labour, including the use of a child for prostitution.

These measures include:

- strengthen the labour inspectorate and initiate targeted inspections based on analysis of data related to risk-prone sectors and patterns of serious incidents;
- establish a mechanism to coordinate the Government's efforts to combat the worst forms of child labour;
- enhance efforts to eliminate barriers to education and make education accessible for all children;
- implement social programmes to address the worst forms of child labour including in construction and street vending;
- ensure that persons contravening section 118(f) of the Employment and Industrial Relations Code are investigated and prosecuted; and
- consult with trade unions and social partners for a plan to implement these actions.

I call upon the Government of Kiribati to act in compliance with the Convention.

The workers in Kiribati expect our Government to live up to the international commitments it has made pertaining to the ratification of this and other international labour Conventions.

**Government member, Portugal (Mr CLAUDINO DE OLIVERIA)** – I have the honour to speak on behalf of the European Union and its Member States. The candidate countries Montenegro and Albania, the EFTA country Norway, member of the European Economic Area, as well as the Republic of Moldova align themselves with this statement.

The EU and its Member States are committed to the promotion, protection, respect and fulfilment of human rights, including labour rights, together with freedom of association and the abolition of forced, compulsory and/or child labour.

We actively promote the universal ratification and enforcement of fundamental international labour standards, including ILO Convention No. 182 on the abolition of the worst forms of child labour. We support the ILO in its indispensable role to develop, promote and supervise the application of international labour standards and of fundamental Conventions in particular.

We thank the Office and give our full support for its constant engagement in promoting labour rights in Kiribati; equal treatment and elimination of discrimination and forced and child labour.

We note with deep regret the reported persistence of child labour, also in its worst forms, particularly the prostitution of underage children and the commercial sexual exploitation of children. The Government must step up its efforts to eradicate these worst forms of child labour.

We support the Committee of Experts' observations, and we urge the Government to take the necessary measures to ensure that persons contravening the Employment and Industrial Relations Code that prohibits the use, procuring or offering of a child for prostitution are investigated and prosecuted.

We also call on the Government to supply information on the number of violations identified, prosecutions and convictions, and the penalties imposed.

The EU and its Member States welcome the provision of expanded counselling and guidance in resolving problems related to commercial sexual exploitation of children, as

well as awareness-raising activities by the Ministry of Women, Youth, Sports and Social Affairs. We welcome the reported decrease of the number of girls working in kava bars.

We urge the Government to continue to take all the necessary measures to prevent the engagement of children in commercial sexual exploitation, and to take the necessary steps to remove children from this worst form of child labour, to rehabilitate and integrate them socially and economically, and to provide compulsory and free education at the primary and secondary levels for all children.

We request the Government to provide information on the aforementioned, as well as on the number of children under 18 years of age who have actually been removed from commercial sexual exploitation and provided with appropriate care and assistance.

With reference to child labour related ILO Minimum Age Convention No. 138, we welcome that Kiribati is one of the 173 ILO countries, which have already ratified this crucial Convention, despite the specific challenges of small island States. We hope that this positive example of Kiribati's ratification encourages the remaining 14 ILO Member States to also proceed towards ratifying this important Convention in order to achieve universal ratification.

We call on the Government to develop its legislation and ensure its effective enforcement with the view to eliminating child labour, including in the informal economy. The EU and its Member States will continue to support the Government of Kiribati in this endeavour.

**Worker member, Australia (Mr PERICA)** – The Convention places a spotlight on forms of child exploitation so egregious and damaging in their effects that they deprive young people of their childhood. One of the worst forms of child labour is child prostitution. Culturally, the children of Kiribati are at the heart of its society. Despite their cultural importance, many children remain vulnerable and risk losing their rights

because of child prostitution, particularly in the poorer islands and regions. The 2012 Rapid Assessment on Child Labour in Tarawa found that, out of the 61 children identified as being involved in child labour, 33 were involved in commercial sexual exploitation.

The current criminal law prohibits the procurement of any girl younger than 18 for the purpose of prostitution and prohibits using a child of either gender younger than 15 for prostitution. In both cases, the maximum penalty is two years in prison. The sexual exploitation of girls continues to be a problem, with girls as young as 15 reportedly exploited in prostitution in local kava bars and hotels.

Crew members of foreign fishing vessels account for much of the demand for children in the commercial sex sector. Hotel and bar workers in the wharf area facilitate the exploitation of girls in sex trafficking by providing a venue for prostitution. Often the venue for prostitution is on the foreign fishing vessels themselves.

In 2010, it was made a licensing condition for fishing in the waters off Kiribati that “unauthorized personnel are prohibited from boarding fishing vessels”. The wharf was patrolled by police, but the law has not been rigorously enforced by identifying and combating child prostitution on board the vessels.

Of course, poverty is a driver for the sexual exploitation of girls in Kiribati. The girls generally receive financial support, food, alcohol, or goods in exchange for sexual services. Some family members of potential victims, older women, and hotel and bar workers facilitate the exploitation of girls in sex trafficking.

We join the Committee of Experts to request the Government of Kiribati to ensure rigorous enforcement of the law with respect to child trafficking and prostitution. The Government should also take steps to remove children from commercial sexual exploitation and to rehabilitate any child who has been the victim of commercial sexual exploitation.

**Miembro empleadora, Colombia (Sra. MANRIQUE)** — Primero, considero importante manifestar el carácter fundamental que como empleadores atribuimos al Convenio, mediante el cual se pretende proteger a los niños, los miembros más vulnerables de la sociedad. Con la adopción de este convenio la OIT reconoció este tema como fundamental tanto a nivel nacional como internacional. Y, con esta norma se buscaba solución a una situación particularmente aberrante. Motivo el cual ha sido adoptado por la OIT en forma rápida y unánime.

El Convenio aborda las peores formas de trabajo infantil y resulta ser un llamado de atención claro e incuestionable para que todos los Estados Miembros tomen medidas urgentes y completas. De acuerdo con el artículo 7 del Convenio el Gobierno debe adoptar las medidas necesarias para garantizar la aplicación y el cumplimiento efectivo del mismo. En particular, mediante la adopción de sanciones penales.

La Comisión de Expertos indicó en su informe sobre el caso que el artículo 118, *f*) del Código de Empleo y Relaciones Laborales de 2015 prohibía la utilización, el reclutamiento o la oferta de un niño para la prostitución; y, establecía una pena de multa de 5 000 dólares de los Estados Unidos o una pena de prisión de diez años.

Sin embargo, a la fecha no se han comunicado casos ni condenas derivadas de la infracción de esta norma.

Lo anterior se presenta a pesar de que el Gobierno declaró en su informe para el Comité de los Derechos del Niño en marzo de 2020 que, efectivamente, sí hay casos de niñas que son víctimas de explotación sexual y comercial en el país.

Aunque la norma que impone una pena privativa de la libertad resulta ser un avance positivo en el cumplimiento del Convenio no ha y evidencia de que esta medida sea efectiva, ni que se haya aplicado algún tipo de sanción.

Por lo cual, solicitamos al Gobierno que se comprometa a implementar y cumplir en forma efectiva con la legislación penal y que suministre la información que demuestre la aplicación práctica de la misma.

Finalmente, solicitamos al Gobierno que con la asistencia técnica de la OIT y a través de los diversos mecanismos de cooperación internacional existentes continúe avanzando para poner de conformidad la legislación y la práctica con las disposiciones del Convenio y se logre con carácter urgente la erradicación de las peores formas de trabajo infantil en el país.

**Worker member, Malta (Mr CARACHI)** – The complaint before us is brought under the only ILO Convention ever to achieve universal ratification, and it vitally important that, having been so widely ratified, implementation follows because if a Convention that has been universally ratified does not get properly and fully implemented, it undermines the campaign we all took part in to achieve that level of ratification.

Added to that, of course, child labour is one of the worst forms of exploitation, stealing what should be a learning and growing experience from the next generation. In this case, where sexual exploitation is involved, we have also to be conscious that such sexual abuse of minors is also an act of violence, producing potential physical as well as mental harm that can last a lifetime.

I am sure I do not have to make the case to this Committee that sexual abuse of young women is abhorrent and unacceptable. But what the Committee does have to be conscious of in its conclusions is that merely identifying a problem without tackling it is also unacceptable, and that tackling this problem requires not only which information, enforcement and the provision of rehabilitation and integration, especially through education, but also the provision of alternative sources of income are vital elements of the elimination of the worst forms of child labour.

I am glad to see that the Government of Kiribati has at least identified and enumerated the problem. That it has taken some steps in both the commercial fishing industry and the hospitality sector to educate employers. Ignorance of the law is no excuse, of course, and the Government of Kiribati seems to have taken steps to ensure that people are ignorant no more. But knowledge of the law is not compliance, and young women will still suffer exploitation, abuse and violence until the laws are enforced. They will still be prey to this sort of behaviour until viable alternatives exist which ensure that these youngsters are learning and growing, not suffering.

My colleagues in the trade union movement in Kiribati are as keen as we are to see these practices stopped, the employers who are enabling and allowing this to happen brought to book, and the perpetrators prevented and punished. They have a role, as educators, as children's advocates and, of course, as parents and guardians, in stamping out this worst form of child exploitation.

We look to the Government of Kiribati to take the steps outlined by the Committee of Experts, and we look to this Committee to recommend that the Government of Kiribati do what the Committee of Experts advises.

**Employer member, Argentina (Ms GIMENEZ)** – We note the Government acknowledges the findings from the studies and several reports indicating that there are worst forms of child labour in Kiribati.

We welcome the information submitted by the Government regarding the inspections carried out from 2017 to 2020. However, we regret no information was reported regarding the cases or convictions related to the use, procuring or offering of a child for prostitution, penalized in section 118(f) of the 2015 Employment and Industrial Relations Code.

Consequently, we echo the call for the Government to:

- take the necessary measures to ensure that, in practice, timely and thorough investigations and robust prosecutions are carried out; and
- provide timely information on the number of violations under this provision, the persons prosecuted and convicted, and the penalties imposed.

Regarding the prevention of the worst forms of child labour and rehabilitation measures, we underline the importance of awareness actions and community sensitization, as well as capacity-building policies for social actors, labour inspectors and social workers.

We also echo our spokesperson, Ms Pintos, and encourage the Government to continue working as a matter of urgency with the international development partners and social actors to prevent the exploitation of children, especially in the context of adverse socio-economic circumstances. We especially encourage the Government to seek the ILO's assistance, as the Office has developed extensive knowledge, experience and accumulated capacity among its experts on the topic.

Finally, we hope to see the Government's commitment come to action as it provides further information on the measures taken to change the lives of the children who remain vulnerable to these worst forms of child labour.

**Observer, Education International (EI) (Ms MARLET)** – Education International represents almost 400 education unions, including the Kiribati Union of Teachers.

Where social partners, including teacher unions, are comprehensively involved and supported in initiatives to eradicate child labour, the results are impressive and sustainable.

In the Committee of Experts' report, the Ministry of Women, Youth, Sports and Social Affairs of Kiribati stressed the need to integrate working children, including through education. We support the Government's willingness to create a conducive climate to protect children and adolescents.

The Committee of Experts indeed requests the Government to continue to take measures to prevent the engagement of children in commercial sexual exploitation. It also requests the Government to take steps to remove children from the worst forms of child labour, as well as to rehabilitate and socially integrate them.

Ensuring that all children fully enjoy their right to education until the minimum age of compulsory schooling, is key to eradicate child labour.

Together with the Kiribati Union of Teachers, Education International requests that the Government increases funding towards public education, and that the Government includes awareness on child labour in the teacher training curriculum, so that teachers are professionally trained, empowered and supported to welcome children removed from child labour back into school and provide them the necessary attention and encouragement.

We request that specific gender programmes are developed by the Government to proactively protect girls and disadvantaged communities from being trapped in prostitution networks. The preventive provision of education and vocational training opportunities must be offered to girls and young women.

Finally, we also recommend that the ILO provide technical assistance, including through a continuation of the ILO-IPEC initiatives through the TACKLE programme.

**Government representative (Ms TOOKI KANOVA)** – First of all, in closing, the Government of Kiribati takes into consideration the recommendations from Workers'

and Employers' groups and the Committee. It will also take into consideration further administrative support for labour inspections on child labour so that these types of activities are eliminated prior to 2025.

The Government will also ensure better coordination with related government bodies, social partners and non-governmental organizations in monitoring and eliminating child labour in Kiribati, and in order to attain this, it wishes to reiterate the assistance that is required from the ILO on capacity-building and technical assistance with regard to effective and best measures and tools in combating the worst forms of child labour in Kiribati.

**Worker members** – We thank the Government of Kiribati for its oral and written comments. We also thank the speakers who took the floor for their contributions to the discussion.

The Worker members deplore and condemn the persistence of the worst forms of child labour in Kiribati, including the commercial sexual exploitation of children and the use, procuring and/or offering of a child for illicit activities and for the production or trafficking of illegal drugs. We also regret the absence of any concrete information on the incidence of the worst forms of child labour in the country and on the impact of the measures adopted to address them.

We recall that the Committee of Experts has been expressing the same concerns for the past eight years and so far, little progress has been made to prevent children from falling into the worst forms of child labour, to protect them and remove them from these worst forms, and to prosecute and sentence any person engaging in these worst forms.

While we welcome the efforts of the Government to adopt a legal framework criminalizing the worst forms of child labour in 2015, we note that in over six years, no cases related to the worst forms of child labour have been reported. This points to severe

gaps in enforcement which should be addressed by the Government of Kiribati as a matter of urgency.

We recall that without strong and comprehensive implementing measures, the legal provisions adopted will remain ineffective. Therefore, we call upon the Government of Kiribati to strengthen its monitoring and enforcement mechanisms, including through regular inspections in areas where there is a high risk of worst forms of child labour, such as kava bars and nightclubs. In this regard, labour inspection services should be adequately manned and trained and sufficient resources should be put at their disposal.

We also call on the Government to investigate and prosecute perpetrators of the worst forms of child labour, including child prostitution or child pornography, through the establishment of formal procedures to proactively identify trafficking victims among vulnerable populations and refer them to protective services.

We invite the Government to review section 118, paragraph 2, of the Employment and Industrial Relations Code of 2015 to ensure that penalties for any person engaging in the worst forms of child labour are sufficiently dissuasive.

We encourage the Government to pursue and strengthen its efforts to facilitate access to basic education free of charge as well as its education and awareness campaigns on the issue of child prostitution in Kiribati, particularly in well-known meeting places of foreign crew members and, finally, we call on the Government to adopt a list of hazardous work activities prohibited for children in line with the Convention.

We call on the Government of Kiribati to avail itself of the assistance of the ILO.

**Miembros empleadores** — En las observaciones finales sobre este caso, los miembros empleadores queremos recordar que el pasado sábado se celebró el Día

Mundial contra el Trabajo Infantil. Las recientes cifras globales indican que actualmente el trabajo infantil alcanza a 160 millones de niños, incluyendo 63 millones de niñas y 97 millones de niños, lo que equivale a casi uno de cada diez niños en todo el mundo. Se calcula que otros 9 millones de niños trabajarán a finales de 2022, como consecuencia del aumento de la pobreza, impulsado por la pandemia actual.

Tenemos algunas acusaciones extremadamente graves en relación con este caso, y no podemos hacer la vista gorda ante las prácticas de trabajo infantil, y menos ante la persistencia de casos sobre las peores formas de trabajo infantil.

Desde los miembros empleadores deseamos agradecer de nuevo al Gobierno y a los trabajadores la útil información aportada sobre la aplicación del Convenio.

También queremos agradecer a los delegados y a las delegadas su participación en este caso y sus ideas.

Nos complace escuchar todas las medidas que ha emprendido el Gobierno de Kiribati para hacer frente a este persistente y grave problema.

Los miembros empleadores esperamos que el compromiso del Gobierno continúe traduciéndose en medidas concretas y eficaces que puedan garantizar la protección del importante número de niños y niñas, que siguen siendo vulnerables a la trata y a la explotación sexual comercial y que pronto podamos ser testigos de progresos significativos.

A la luz del debate, los miembros empleadores invitamos al Gobierno a redoblar sus esfuerzos y a explorar nuevas formas de luchar contra el trabajo infantil y sus peores formas y a atajar las causas profundas del problema.

Recomendamos al Gobierno que intensifique sus esfuerzos para garantizar que cualquier forma de trabajo infantil y sus peores formas dejen de ser una realidad en el

país y que se adopten medidas eficaces para: asegurar que las personas que infrinjan el artículo 118, *f*) del Código de Empleo y Relaciones Laborales sean investigadas y procesadas oportuna y adecuadamente, y, desde luego, para prevenir la participación de niños y niñas en la explotación sexual comercial, y para rehabilitar e integrar socialmente a las víctimas.

Asimismo, invitamos al Gobierno a proporcionar a la Comisión información actualizada sobre el número de investigaciones, enjuiciamientos, condenas y sanciones impuestas durante el ciclo regular de presentación de informes y a ponerse a disposición de la OIT para cualquier asistencia técnica que pueda necesitar, para lograr el pleno cumplimiento del Convenio.