

Although research found no evidence that child labor exists in Tokelau, the government made a minimal advancement in efforts to prevent the worst forms of child labor in 2018. The government implemented the United Nations Pacific Strategy, which includes economic development strategies, including eliminating child labor and the worst forms of child labor. However, the government has not established adequate legal protections to prevent the worst forms of child labor, as the law does not criminally prohibit forced labor and child trafficking. In addition, Tokelau has not established a minimum age for work and does not prohibit hazardous occupations and activities for children.

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Tokelau. Although education in Tokelau is free, some children struggle to access reliable transportation to attend school. (1)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Tokelau is a territory of New Zealand; however, New Zealand statutory law does not apply to Tokelau unless it is expressly extended to Tokelau. (2) International treaties are applied only with the consent of the Government of Tokelau. New Zealand's ratification of conventions does not apply automatically to Tokelau. (1-3) None of the key international child labor conventions have been made applicable to Tokelau, including: ILO Convention 138, Minimum Age of Work; ILO Convention 182, Worst Forms of Child Labor; the UN Conventions on the Rights of the Child (CRC); the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons.

The government has established laws and regulations related to child labor (Table 1). However, gaps exist in Tokelau's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of using children in illicit activities.

**Table 1. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	No		
Identification of Hazardous Occupations or Activities Prohibited for Children	No		
Prohibition of Forced Labor	No		
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	No		
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	17	Article 33 of the Government of New Zealand's Defence Act (4)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*†		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	16	Article 63(1) of the Tokelau Crimes, Procedures, and Evidence Rules Act (5,6)
Free Public Education	Yes		Part 1, Section 3 of the Government of New Zealand's Education Act (7,8)

\* No conscription (9)

† No standing military (10)

# Tokelau

## MINIMAL ADVANCEMENT

Tokelau has not established a minimum age for work. There are no armed forces in Tokelau because New Zealand is responsible for the defense of the territory at its request and consultation. (4) Tokelau has not criminally prohibited forced labor, trafficking, or the commercial sexual exploitation of children. (5)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established relevant institutional mechanisms for the enforcement of laws and regulations on child labor (Table 2).

**Table 2. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
New Zealand Ombudsmen	Addresses and, if necessary, investigates citizens' complaints against a government office, including complaints related to child labor, child health, safety, and education. (11)

#### **Labor Law Enforcement**

As there is no evidence of a problem, there appears to be no need for labor law enforcement actions to address child labor.

#### **Criminal Law Enforcement**

As there is no evidence of a problem, there appears to be no need for criminal law enforcement actions to address child labor.

### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor.

### V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor. However, the Government of Tokelau has established a policy related to child labor (Table 3).

**Table 3. 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. (12)

† Policy was approved during the reporting period.

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

As there is no evidence of a problem, there appears to be no need for programs to address child labor.

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in Tokelau (Table 4).

**Table 4. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the age up to which education is compulsory is the same as the minimum age for work.	2016 – 2018
	Establish age 18 as the minimum age for hazardous work and determine the types of hazardous work prohibited for children under age 18 in consultation with employers' and workers' organizations.	2016 – 2018
	Ensure that laws prohibit trafficking of children domestically and internationally for commercial sexual exploitation and forced labor, and do not require the use of force to be established for the crime of trafficking.	2016 – 2018
	Establish laws that criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery.	2013 – 2018
	Ensure that laws criminally prohibit using, procuring, and offering a child for prostitution, the production of pornography, and pornographic performances.	2017 – 2018
	Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.	2017 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
Social Programs	Establish a reliable transportation program to ensure that children are able to attend school.	2018

**REFERENCES**

- U.S. Embassy-Wellington. Reporting. January 10, 2019.
- Government of Tokelau. Tokelau Government. Accessed June 23, 2017. <http://www.tokelau.org.nz/Tokelau+Government.html>.
- U.S. Embassy-Wellington. Reporting. March 13, 2015.
- Government of New Zealand. Defence Act of 1990, No. 28 of 1990. Enacted: April 1, 1990. <http://www.legislation.govt.nz/act/public/1990/0028/latest/DLM204973.html>.
- Government of Tokelau. Tokelau Crimes, Procedures, and Evidence Rules 2003. Enacted: 2003. [http://www.paclii.org/tk/legis/num\\_act/cpaer2003302/](http://www.paclii.org/tk/legis/num_act/cpaer2003302/).
- UNESCO. EFA Global Monitoring Report: Youth and Skills- Putting Education to Work: Table 4: Access to Primary Education. October 16, 2012. <http://www.ibe.unesco.org/en/services/online-materials/world-data-on-education/seventh-edition-2010-11.html>.
- Government of New Zealand. Education Act. Accessed July 9, 2019. <http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html>.
- Government of Tokelau. National Curriculum Policy Framework. Accessed July 9, 2019. [https://www.tokelau.org.nz/site/tokelau/files/TOKELAU\\_NCPF\\_DRAFT\\_9\\_UPDATED\\_19\\_SEPT\\_2006\\_English\\_FINALVERSION\\_MASTER.pdf](https://www.tokelau.org.nz/site/tokelau/files/TOKELAU_NCPF_DRAFT_9_UPDATED_19_SEPT_2006_English_FINALVERSION_MASTER.pdf).
- U.S. Consulate Auckland official. Email communication to USDOL official. April 7, 2017.
- Government of Tokelau, Department of Education. Department of Education Schools on Tokelau. <https://www.tokelau.org.nz/Tokelau+Government/Government+Departments/Department+of+Education.html>.
- U.S. Consulate Auckland official. Email communication to USDOL official. April 7, 2017.
- UN. United Nations Pacific Strategy 2018-2022: A Multi-Country Sustainable Development Framework in the Pacific Region. 2017. [https://www.unicef.org/about/execboard/files/Final\\_UNPS\\_2018-2022\\_Pacific.pdf](https://www.unicef.org/about/execboard/files/Final_UNPS_2018-2022_Pacific.pdf).