

Research found no evidence that child labor exists in Tokelau, and in 2019, the government made no advancement in efforts to prevent the worst forms of child labor. 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 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. (1,2)

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. (3) 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. (2,3) None of the key international child labor conventions ratified by New Zealand have been made applicable to Tokelau, including ILO Convention 138, Minimum Age of Work; ILO Convention 182, Worst Forms of Child Labor; the UN Convention 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 minimum age for work.

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)

* No conscription (8)

† No standing military (1)

Tokelau

NO ADVANCEMENT

New Zealand is responsible for the defense of Tokelau at the territory's request and consultation. (4,9)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

Although there is no evidence of a problem, the government has established 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
National Assembly (General Fono)	Hears cases related to child welfare concerns, including child labor; if local village leaders are unable to resolve the case at the local level. (2)
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. (2)

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. (10) Research was unable to determine whether activities were undertaken to implement the United Nations Pacific Strategy 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	Establish a minimum age for work that meets international standards and conforms to the compulsory education age.	2016 – 2019
	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 – 2019
	Establish laws that criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery.	2013 – 2019
	Ensure that laws prohibit the 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 – 2019
	Ensure that laws criminally prohibit the use, procuring, and offering a child for prostitution, the production of pornography, and pornographic performances.	2017 – 2019
	Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.	2017 – 2019
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2019
Government Policies	Publish activities undertaken to implement the United Nations Pacific Strategy.	2019
Social Programs	Establish a reliable transportation program to ensure that children are able to attend school.	2018 – 2019

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