

Although research found no evidence that child labor exists in Tokelau, in 2021, 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. Table 1 provides one key indicator on children's education in Tokelau.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Primary Completion Rate (%)		109.5

Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2022. (6)

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. As a result, 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. (2)

The government has established laws and regulations related to child labor (Table 2). 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 2. 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 Defense Act (4)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*†		

NO ADVANCEMENT

Table 2. Laws and Regulations on Child Labor (Cont.)

Standard	Meets International Standards	Age	Legislation
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)

* Country has no conscription (8)

† Country has no standing military (4)

Tokelau has not established a minimum age for work legislation, nor has the government determined the minimum age for hazardous work or the types of work that are hazardous for children. The government also does not prohibit slavery or slavery-like practices such as forced labor. (2) Tokelau's trafficking provision does not clearly criminalize domestic trafficking or the trafficking of children in the absence of force, fraud, or coercion. In addition, the government does not criminalize the use, procuring, or offering of children for prostitution, pornography, or pornographic performances. (2) Tokelau has also not criminalized the use of children in illicit activities, including in the production and trafficking of drugs. (5) Although there are no armed forces in Tokelau, the law does not criminally prohibit non-state armed groups from recruiting children under age 18. (2)

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

As there is no evidence of a problem, there appears to be no need for enforcement actions to address child labor, including its worst forms. However, the Government of Tokelau has established relevant institutional mechanisms for the enforcement of laws and regulations on child labor (Table 3).

Table 3. 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 Ombudsman	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, including its worst forms.

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, including its worst forms.

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 4).

Table 4. Key Policies Related to Child Labor

Policy	Description
United Nations Pacific Strategy (2018–2022)	A multi-national 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 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 5).

Table 5. 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 – 2021
	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 – 2021
	Establish laws that criminally prohibit forced labor, including slavery.	2013 – 2021
	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 – 2021
	Ensure that laws criminally prohibit the use, procuring, and offering a child for prostitution, the production of pornography, and pornographic performances.	2017 – 2021
	Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.	2017 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2021
Government Policies	Ensure that activities are undertaken to implement the United Nations Pacific Strategy and that data on these activities are published during the reporting period.	2019 – 2021
Social Programs	Establish a reliable transportation program to ensure that children are able to attend school.	2018 – 2021

REFERENCES

- Government of Tokelau, Department of Education. Department of Education Schools on Tokelau. (n.d.). <https://www.tokelau.org.nz/Tokelau+Government/Government+Departments/Department+of+Education.html>
- U.S. Embassy - Wellington. Reporting. January 14, 2022.
- Government of Tokelau. Tokelau Government. Accessed June 23, 2017. <http://www.tokelau.org.nz/Tokelau+Government.html>
- 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/
- 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. Enacted: September 29, 1989. <http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html>
- U.S. Consulate Auckland official. E-mail communication to USDOL official. April 7, 2017.
- CIA. The World Factbook. Accessed January 19, 2018. Please see "Labor Law Enforcement: Sources and Definitions" in the Reference Materials section of this report. <https://www.cia.gov/the-world-factbook/countries/tokelau/>
- 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