

Although research found no evidence that child labor exists in Tokelau, in 2022, the government made minimal advancement in efforts to prevent the worst forms of child labor. The government partnered with the United Nations Children's Fund to launch the Pacific Region Inclusive Education Review to ensure that all children, including those with disabilities, have access to quality education. However, the government has not established adequate legal protections to prevent the worst forms of child labor. The law does not criminally prohibit the use, procuring, or offering of a child for prostitution; the production of pornography, or pornographic performances, or the use of children for illicit activities, including for the production and trafficking of drugs. In addition, Tokelau has not established a minimum age for work and lacks a law that prohibits hazardous occupations and activities for children.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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 (%) | | 147.6 |

Source for primary completion rate: Data from 2021, published by UNESCO Institute for Statistics, 2023. (1)

Although education in Tokelau is free, some children struggle to access reliable transportation to attend school. (2,3)

In 2022, the Government of Tokelau, in partnership with UNICEF, conducted a national survey on the state of inclusive education. (4) The survey found that all schools have classrooms that are accessible and safe for all, and that most schools have sanitation and menstrual hygiene facilities that are accessible and safe for all. (5)

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. (6) 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. (3,6) None of the key international child labor conventions ratified by New Zealand have been made applicable to Tokelau. (3)

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 (7) |

MINIMAL ADVANCEMENT

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

| Standard | Meets International Standards | Age | Legislation |
|---|-------------------------------|-----|---|
| 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 (8) |
| Free Public Education | Yes | | Part 1, Section 3 of the Government of New Zealand's Education Act (9) |

* Country has no conscription (7,10)

† Country has no standing military (7)

Tokelau has not established legislation on the minimum age for work, 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. (11) 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. (11) Tokelau has also not criminalized the use of children in illicit activities, including in the production and trafficking of drugs. (8) Although there are no armed forces in Tokelau, the law does not criminally prohibit non-state armed groups from recruiting children under age 18. (11)

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 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 & Activities |
|----------------------------------|---|
| 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. (3) |
| 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. (3) |
| Tokelau Police | Enforces the islands' laws. (3) |

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for a mechanism 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 & Activities |
|---|--|
| United Nations Pacific Strategy (2018–2022) | The United Nations Pacific Strategy was a multi-national strategic framework program comprising South Pacific nations. The strategy aimed 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) 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.

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

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 of at least age 16 that equals the compulsory age of education. | 2016 – 2022 |
| | Ratify ILO Convention 182, the convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor. | 2022 |
| | Ratify the United Nations Convention on the Rights of the Child. | 2022 |
| | Ratify the UN CRC Optional Protocol on Armed Conflict. | 2022 |
| | Ratify the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Phonography. | 2022 |
| | Ratify the Palermo Protocol on Trafficking in Persons. | 2022 |
| | Establish age 18 as the minimum age for hazardous work and identify hazardous occupations and activities prohibited for children. | 2016 – 2022 |
| | Ensure that laws criminally prohibit forced labor, including debt bondage and slavery. | 2013 – 2022 |
| | 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 – 2022 |
| | Ensure that laws criminally prohibit the use, procuring, and offering a child for prostitution, the production of pornography, and pornographic performances. | 2017 – 2022 |
| Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs. | 2017 – 2022 | |
| Ensure that the law criminally prohibits the forced or compulsory recruitment of children under age 18 into non-state armed groups. | 2016 – 2022 | |
| 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 – 2022 |
| Social Programs | Establish a reliable transportation program to ensure that children are able to attend school. | 2018 – 2022 |

REFERENCES

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