

# Overseas Territories of New Zealand

## COOK ISLANDS

### MINIMAL ADVANCEMENT

*In 2016, the Cook Islands made a minimal advancement in efforts to prevent the worst forms of child labor. The Government continued its participation in the UN Development Assistance Framework for the Pacific Region, which includes youth initiatives related to access to education and security in the Cook Islands. Although research found no evidence that child labor, including its worst forms, exists in the Cook Islands, gaps in the Government's legal framework may make children more vulnerable to being exploited for the production of pornography or pornographic performances and being used in illicit activities.*

## NIUE

### NO ADVANCEMENT

*In 2016, Niue made no advancement in efforts to prevent the worst forms of child labor. While there is no evidence that child labor, including its worst forms, exists in Niue, the Government has not established adequate legal protection 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, Niue has not established a minimum age for work and lacks a law that prohibits hazardous occupations and activities for children.*

## TOKELAU

### NO ADVANCEMENT

*In 2016, Tokelau made no advancement in efforts to prevent the worst forms of child labor. While Tokelau has laws to prohibit the commercial sexual exploitation of children and the use of children in illicit activities, it does not have laws that establish a minimum age for work and prohibit forced labor and child trafficking.*

## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor, including its worst forms, exists in the Cook Islands, Niue, and Tokelau.

(1) Table 1 provides key statistics on one key indicator on children's education in the Cook Islands, the only New Zealand territory for which information is available. Data on key indicators for Niue and Tokelau are not available from the sources used in this report.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Territory		
		Cook Islands	Niue	Tokelau
Working (% and population)	5 to 14	Unavailable	Unavailable	Unavailable
Attending School (%)	5 to 14	Unavailable	Unavailable	Unavailable
Combining Work and School (%)	7 to 14	Unavailable	Unavailable	Unavailable
Primary Completion Rate (%)		93.8%	Unavailable	Unavailable

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(2)

Data were unavailable from Understanding Children's Work Project's analysis, 2016.(3)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

### COOK ISLANDS

The Cook Islands is a self-governing territory in free association with New Zealand, and follows a combination of its own laws and some of the laws of New Zealand and the United Kingdom that were enacted prior to self-government in 1965.(4, 5)

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Since 1988, no treaty signed, ratified, accepted, approved, or acceded to by New Zealand extends to the Cook Islands, unless New Zealand acted expressly on behalf of the Cook Islands.(4) The Cook Islands has ratified one key international convention concerning child labor (Table 2).

## NIUE







Niue is a self-governing territory of New Zealand and is fully responsible for its internal affairs.(6) Niue has ratified one key international convention concerning child labor (Table 2).

Since 1988, no treaty signed, ratified, accepted, approved, or acceded to by New Zealand extends to Niue, unless it was done expressly on behalf of Niue.(4)

## TOKELAU

Tokelau is a dependent territory of New Zealand; however, 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, and it is unknown which international treaties Tokelau has consented to.(4, 7, 8)

**Table 2. Ratification of International Conventions on Child Labor**

Convention	Ratifications		
	CI	CKI	NI
 ILO C. 138, Minimum Age			
 ILO C. 182, Worst Forms of Child Labor			
 UN CRC	✓	✓	
 UN CRC Optional Protocol on Armed Conflict			
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography			
 Palermo Protocol on Trafficking in Persons			

The Governments of the Cook Islands, Niue, and Tokelau have established laws and regulations related to child labor, including its worst forms (Table 3).

There are no armed forces in the Cook Islands, Niue, and Tokelau.(9, 10) New Zealand is responsible for the defense of the territories at their request and consultation.(9)

**Table 3. Laws and Regulations on Child Labor**

COOK ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	13	Article 30.1 of the Employment Relations Act (11)
Minimum Age for Hazardous Work	Yes	18	Article 73.2 of the Employment Relations Act (11)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 73 of the Employment Relations Act; Articles 52-53 of the Industrial and Labor Ordinance (11, 12)
Prohibition of Forced Labor	Yes		Article 3 of the Prohibition of Forced or Compulsory Labor Ordinance; Article 109I of the Crimes Amendment Act (13, 14)
Prohibition of Child Trafficking	Yes		Article 109I of the Crimes Amendment Act (14)
Prohibition of Commercial Sexual Exploitation of Children	No		Article 109I of the Crimes Amendment Act (14)

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**Table 3. Laws and Regulations on Child Labor (cont)**

COOK ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	Yes	18	Articles 36 and 37 of the Government of New Zealand's Defense Act (15)
Non-state Compulsory	No		
Compulsory Education Age	Yes	16	Article 23.1 of the Education Act (16)
Free Public Education	Yes		Article 22.2 of the Education Act (16)

\* No conscription (15)

† No standing military

In 2012, the Cook Islands enacted the Employment Relations Act, which prohibits children younger than age 13 from being employed.(11, 17) The Act also prohibits a school-aged person, defined as ages 13 to 16, from working during normal school hours, working for more than 10 hours a week outside of school hours, or doing work that is not considered light work.(11) However, the minimum age for work is not in compliance with international standards because the Employment Relations Act permits children as young as age 13 to work.(11)

The Cook Islands' Crimes Act and the 2004 Amendment prohibit prostitution, but do not address child commercial sexual exploitation, including the use, procuring, or offering of children for the production of pornography and for pornographic performances.(5, 14, 18, 19) In 2010, the Cook Islands began a comprehensive review of the Crimes Act to amend provisions to include criminalizing child prostitution and child pornography.(18, 20) The Act has yet to be modified.(1) A draft Family Law Bill, which will include legislation on child protection, has been pending since 2014.(1) Laws specifically prohibiting the use of children for illicit activities and recruitment by non-state armed groups do not exist.(1, 21)

NIUE			
Standard	Meets International Standards: Yes/No	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		Article 37 of the Terrorism Suppression and Transnational Crimes Act (22)
Prohibition of Commercial Sexual Exploitation of Children	No		
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	Yes	17	Article 33 of the Government of New Zealand's Defense Act (15)
Non-state Compulsory	No		
Compulsory Education Age	Yes	16	Articles 2 and 24 of the Education Act (23)
Free Public Education	Yes		Article 19 of the Education Act (23)

\* No conscription (24)

† No standing military

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Although Niue's Public Service Regulations prohibit the permanent employment of any person under age 18 in public service, minimum age protections do not apply to children working in the private sector.(21, 25) In addition, Niue has not determined by national law or regulation the minimum age for work and hazardous work or the types of hazardous work prohibited for children.(21, 26)

In Niue, laws related to forced labor are not sufficient as only trafficking in persons, and not debt bondage or slavery, is prohibited. Niue's law prohibiting child trafficking is also insufficient as it does not criminalize the trafficking of children for commercial sexual exploitation or forced labor.(22) Commercial sexual exploitation of children, including the use, offering, or procurement of a child for prostitution, production of pornography, or pornographic performances, is not criminally prohibited. Research also has not identified laws regarding the use of children in illicit activities, including in the production and trafficking of drugs, and recruitment by non-state armed groups(21)

TOKELAU			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	No		
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Rules 52 and 53 of the Schedule of Transtok Tokelau Corporation Rules (27)
Prohibition of Forced Labor	No		
Prohibition of Child Trafficking	No		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 25 of the Tokelau Crimes, Procedures, and Evidence Rules Act (28)
Prohibition of Using Children in Illicit Activities	Yes		Articles 49–50 of the Tokelau Crimes, Procedures, and Evidence Rules Act (28)
Minimum Age for Military Recruitment			
State Compulsory	N/A*†		
State Voluntary	Yes	17	Article 33 of the Government of New Zealand's Defense Act (15)
Non-State Compulsory	No		
Compulsory Education Age	Yes	16	Article 63(1) of the Tokelau Crimes, Procedures, and Evidence Rules Act (28, 29)
Free Public Education	Yes		Legislation title unknown (29)

\* No conscription (24)

† No standing military

Tokelau has not determined by national law or regulation the minimum age for work or the minimum age for hazardous work. Tokelau also has not established laws related to forced labor, including debt bondage. In addition, laws related to child trafficking do not exist.(21)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

Even though there is no evidence of a problem, the Governments of the Cook Islands, Niue, and Tokelau have established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 4).

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**Table 4. Agencies Responsible for Child Labor Law Enforcement**

COOK ISLANDS	
Organization/Agency	Role
Ministry of Internal Affairs and Social Services, Labor and Employment Relations Office	Provide child services.(1) In the case of the Labor and Consumer Affairs Division, implement child labor laws in the Cook Islands.(30)
Cook Islands Police Service	Enforce child labor laws.(1)

NIUE	
Organization/Agency	Role
Niue Police Department	Enforce all laws, including those related to child labor, including its worst forms.(1)
Department of Justice	Investigate crimes, including cases involving the worst forms of child labor.(1)

TOKELAU	
Organization/Agency	Role
New Zealand Ombudsmen	Address citizens' complaints against a government office related to child labor, child health, safety, and education.(30)

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, in the Cook Islands, Niue, and Tokelau.

## IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address the worst forms of child labor, including its worst forms, in the Cook Islands, Niue, and Tokelau.

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

Even though there is no evidence of a problem, the Government of the Cook Islands has an established policy related to child labor, including its worst forms (Table 5).

**Table 5. Key Policies Related to Child Labor**

COOK ISLANDS	
Policy	Description
Cook Islands National Youth Policy (2015–2020)	Identifies priority areas for youth, including education and work opportunities, health, and youth risk and resilience.(31)

In 2015, the Cook Islands released a youth study that indicated that children and young adults ages 15 through 24 were employed as laborers and in restaurants, accommodations, offices, and other areas in the Cook Islands; however the report did not specifically address whether children under age 18 were involved in child labor, including its worst forms.(32) In addition, the Government has not included child labor elimination and prevention strategies into the Country Partnership Framework and UN Development Assistance Framework.(33)

## VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem in the Cook Islands, Niue, and Tokelau, there appears to be no need for programs to address child labor, including its worst forms.

## VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor, including its worst forms, in the Cook Islands, Niue, and Tokelau (Table 6).

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**Table 6. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

<b>COOK ISLANDS</b>		
<b>Area</b>	<b>Suggested Action</b>	<b>Year(s) Suggested</b>
Legal Framework	Ratify ILO Conventions 138 and 182; UN CRC Optional Protocol on Armed Conflict; UN CRC Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons.	2016
	Raise the minimum age for work from 13 to 15 to comply with international standards.	2016
	Ensure the Crimes Act addresses and criminalizes commercial child sexual exploitation, including the use, procuring, and offering of children for the production of pornography and for pornographic performances.	2012 – 2016
	Ensure the law prohibits the use of children in illicit activities, including the production and trafficking of drugs.	2015 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 into non-state armed groups.	2016
Government Policies	Clarify whether children identified in the youth study were involved in child labor, including its worst forms.	2015 – 2016
<b>NIUE</b>		
<b>Area</b>	<b>Suggested Action</b>	<b>Year(s) Suggested</b>
Legal Framework	Ratify ILO Conventions 138 and 182; UN CRC Optional Protocol on Armed Conflict; UN CRC Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons	2016
	Enact a minimum age for work of at least 15 years.	2013 – 2016
	Establish a minimum age for hazardous work as 18 and determine the types of hazardous work prohibited for children under 18 in consultation with employers' and workers' organizations.	2013 – 2016
	Ensure that laws criminally prohibit the use, procuring, or offering of a child for prostitution, the production of pornography, or pornographic performances.	2016
	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
	Ensure that laws criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery.	2016
	Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.	2013 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 into non-state armed groups.	2016
<b>TOKELAU</b>		
<b>Area</b>	<b>Suggested Action</b>	<b>Year(s) Suggested</b>
Legal Framework	Ratify ILO Conventions 138 and 182; UN CRC; UN CRC Optional Protocol on Armed Conflict; UN CRC Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons.	2016
	Establish 18 as the minimum age for hazardous work.	2016
	Establish a minimum age for work of at least 15 years.	2016
	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
	Establish laws that criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery.	2013 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 into non-state armed groups.	2016

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## REFERENCES

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2. UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary education, both sexes (%)*. Accessed December 16, 2016; <http://data.uis.unesco.org/>. Data provided is the gross intake ratio to the last grade of primary education. This measure is a proxy measure for primary completion. This ratio is the total number of new entrants in the last grade of primary education, regardless of age, expressed as a percentage of the population at the theoretical entrance age to the last grade of primary education. A high ratio indicates a high degree of current primary education completion. The calculation includes all new entrants to the last grade (regardless of age). Therefore, the ratio can exceed 100 percent, due to over-aged and under-aged children who enter primary school late/early and/or repeat grades. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
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