

In 2015, Niue made no advancement in efforts to prevent the worst forms of child labor. While there is no evidence of a child labor problem, the Government has not established adequate legal protection to prevent the worst forms of child labor. The law does not criminally prohibit the possession, distribution, and sale of child pornography or the use of children for illicit activities, including for the production and trafficking of drugs. In addition, Niue lacks a law that prohibits hazardous occupations and activities for children.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor, including its worst forms, exists in Niue.(1)




II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Niue is a self-governing territory of New Zealand and does not follow New Zealand laws. There are no armed forces in Niue, as New Zealand is responsible for Niue's defense.(2-4)

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.(1)

Niue has ratified one key international convention concerning child labor (Table 1).

Table 1. Ratification of International Conventions on Child Labor

	Convention	Ratification
	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 Government has established laws and regulations related to child labor, including its worst forms (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	No		
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Article 37 of the Terrorism Suppression and Transnational Crimes Act (5)
Prohibition of Child Trafficking	Yes		Article 37 of the Terrorism Suppression and Transnational Crimes Act (5)
Prohibition of Commercial Sexual Exploitation of Children	No		
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*†		
Minimum Age for Voluntary Military Service	Yes	17	Government of New Zealand's general army requirement in Article 33 of the Defense Act (6)
Compulsory Education Age	Yes	16	Articles 2 and 24 of the Education Act (7)

Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Free Public Education	Yes		Article 19 of the Education Act (7)
* No conscription (8)			

† No standing military (1)

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.(9) In addition, Niue has not determined by national law or regulation the types of hazardous work prohibited for children.(1, 10)

Laws related to forced labor are not sufficient as only trafficking in persons, and not debt bondage or slavery, is prohibited. Laws prohibiting child trafficking are also insufficient because they include a force, abduction, fraud, or coercion element.(6) Commercial sexual exploitation of children, including the use or offering of a child for prostitution or pornography, is not criminally prohibited. In addition, the possession, distribution, or sale of child pornography is not criminally prohibited. Research also has not identified laws regarding the use of children for illicit activities, including for the production and trafficking of drugs.

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

Even though there is no evidence of a problem, the Government has established institutional mechanisms to monitor the implementation of child labor laws in Niue (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

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 specific to women and children, including cases involving the worst forms of child labor.(1)

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 child labor, including its worst forms.

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor, including its worst forms.

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, including its worst forms.

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

Based on the reporting above, the following actions would advance the continued prevention of child labor, including its worst forms, in Niue (Table 6).

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Enact a minimum age for work in compliance with international standards.	2013 – 2015
	Determine the types of hazardous work prohibited for children under 18 in consultation with employers' and workers' organizations.	2013 – 2015
	Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and distribution of drugs.	2013 – 2015
	Ensure that laws criminally prohibit child commercial sexual exploitation, including prostitution and the possession, distribution, and sale of child pornography.	2013 – 2015

REFERENCES

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8. Government of New Zealand. *Declaration to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, November 12, 2001. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>.
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