

Although research found no evidence that child labor exists in Niue, the government made a minimal advancement in efforts to eliminate the worst forms of child labor in 2018. The government implemented the United Nations Pacific Strategy, which includes economic development strategies, including eliminating child labor and the worst forms of child labor. 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, Niue 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

Research found no evidence that child labor exists in Niue.

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Niue is self-governing in free association with New Zealand and is fully responsible for its internal affairs. (1) 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. (2) 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 (Table 2). However, gaps exist in Niue's legal framework to adequately protect children from the worst forms of child labor, including the prohibition of using children in illicit activities.

**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		Articles 3 and 37 of the Terrorism Suppression and Transnational Crimes Act (3)
Prohibition of Commercial Sexual Exploitation of Children	No		
Prohibition of Using Children in Illicit Activities	No		

## MINIMAL ADVANCEMENT

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

Standard	Meets International Standards	Age	Legislation
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	Articles 2 and 24 of the Education Act (5)
Free Public Education	Yes		Article 19 of the Education Act (5)

\* No conscription (6)

† No standing military (7)

Although Niue's Public Service Regulations prohibit the permanent employment of any person under age 18 in public service, Niue has not established a minimum age of work in the private sector. (8,9) Niue has not determined the types of work that are hazardous for children. Niue also does not prohibit slavery or slavery-like practices such as forced labor. (8) Niue's trafficking provision does not clearly criminalize domestic trafficking or trafficking of children in the absence of force, fraud, or coercion. (3) Niue does not criminalize the use, procurement, or offering of children for prostitution, pornography, or pornographic performances. Niue does not criminalize the use of children in illicit activities, including in the production and trafficking of drugs. (8) There are no armed forces in Niue. New Zealand is responsible for the defense of the territory at its request and consultation. (7)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government 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
Niue Police Department	Enforces all laws, including those related to child labor, on behalf of the Government of Niue. (10,11)
Department of Justice	Investigates crimes, including cases involving the worst forms of child labor. (10)

#### **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. However, the Government of Niue has established mechanisms to coordinate efforts to prevent child labor (Table 4).

**Table 4. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Coordinating Committee	Coordinates the implementation of the UN CRC, monitoring and implementing child protection policies at the national level. (2)

## 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 Niue has established a policy related to child labor (Table 5).

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

Policy	Description
United Nations Pacific Strategy (2018–2022) <sup>†</sup>	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. (12)

<sup>†</sup> Policy was approved 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 Niue (Table 6).

**Table 6. 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 15 that equals the compulsory age of education.	2013 – 2018
	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.	2013 – 2018
	Ensure that laws criminally 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 – 2018
	Ensure that laws criminally prohibit the use, procuring, and offering of a child for prostitution, the production of pornography, and pornographic performances.	2016 – 2018
	Ensure that laws criminally prohibit the use of children in illicit activities, including the production and trafficking of drugs.	2013 – 2018
	Ensure that the law criminally prohibits the recruitment of children under age 18 into non-state armed groups.	2016 – 2018
	Ensure that laws criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery.	2016 – 2018

## REFERENCES

- Government of Niue. Niue Constitution Act 1974. Enacted: 1974. <http://www.legislation.govt.nz/act/public/1974/0042/latest/whole.html#DLM413418>.
- U.S. Embassy- Wellington. Reporting. January 10, 2019.
- Government of Niue. Terrorism Suppression and Transnational Crimes Act 2006. Enacted: 2006. [http://www.paclii.org/nu/legis/consol\\_act/tsatca2006529/](http://www.paclii.org/nu/legis/consol_act/tsatca2006529/).
- 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 Niue. Education Act 1989. Enacted: 1989. Source on file.
- 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/OPACRC.aspx>.
- 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/Library/publications/the-world-factbook/rankorder/2095rank.html>.
- U.S. Embassy- Wellington. Reporting. January 12, 2017.
- Government of Niue. Public Service Regulation 2004. No. 4 of 2004. Enacted: 2004. [http://www.paclii.org/nu/legis/consol\\_sub/psr2004261/](http://www.paclii.org/nu/legis/consol_sub/psr2004261/).
- U.S. Embassy- Wellington. Reporting. January 15, 2016.
- U.S. Embassy- Wellington. Email communication to USDOL official. July 1, 2019.
- 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](https://www.unicef.org/about/execboard/files/Final_UNPS_2018-2022_Pacific.pdf).