

In 2014, Tokelau made a minimal advancement in efforts to prevent the worst forms of child labor. The Government participated in the UNDAF for the Pacific Sub-Region Projects, which includes social development and education projects in Tokelau. While there is no evidence of a problem, it is unclear whether the Government has laws prohibiting the worst forms of child labor.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor, including its worst forms, exists in Tokelau.⁽¹⁾ However, in 2006, the Government of Tokelau carried out a study with support from UNICEF on the situation of women and children on the island, which indicated that 16-year-old males may work in hazardous conditions in construction.^(1, 2) However, no recent data are available on the prevalence of child labor nor hazardous child labor in Tokelau.^(1, 2)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Tokelau is a dependent territory of New Zealand; however, international treaties are applied only with the consent of the Government of Tokelau.⁽³⁾ New Zealand's ratification of conventions does not apply automatically to Tokelau (Table 1).^(2, 3) It is unknown which international treaties Tokelau has consented to.

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	

New Zealand's laws apply to Tokelau. However, they are implemented complementary to Tokelauan domestic law, which applies to the local level.⁽⁴⁾ Research did not find whether domestic laws ensure that children under 18 are protected from child labor and its worst forms. There are no armed forces in Tokelau, as New Zealand is responsible for Tokelau's defense (Table 2).⁽⁵⁾

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Unknown		
Minimum Age for Hazardous Work	No		
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Unknown		
Prohibition of Child Trafficking	Unknown		
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 25 of the Tokelau Crimes, Procedures, and Evidence Rules Act of 2003 (6)
Prohibition of Using Children in Illicit Activities	Yes		Article 49 and 50 of the Tokelau Crimes, Procedures, and Evidence Rules Act of 2003 (6)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	17	Government of New Zealand's general army requirement at Article 33 of the Defense Act of 1990 (7)

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

Standard	Yes/No	Age	Related Legislation
Compulsory Education Age	Yes	16	Article 63 of the Tokelau Crimes, Procedures, and Evidence Rules Act of 2003 (6, 8)
Free Public Education	Yes		<i>Legislation title unknown</i> (8, 9)

* No conscription (10)

Rules 52 and 53 of the Schedule of Transtok Tokelau Corporation Rules 1997 states that children under age 16 are prohibited from working on ships. However, it is unclear whether there is a minimum age for work outside work on ships.(6, 11) There is also a lack of hazardous work prohibitions outside of working on ships.(1, 3, 11)

The Tokelau Crimes, Procedures, and Evidence Rules Act prohibits prostitution.(6) It is unknown whether children are protected from use in illicit activities or protected from all forms of commercial sexual exploitation.

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

Even though there is no evidence of a problem, the Government of New Zealand has established institutional mechanisms to address complaints related to child labor in Tokelau (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
New Zealand Ombudsmen	Address complaints related to child labor and support Tokelau.(1, 12)

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

Although there is no evidence of a problem, the Government of Tokelau has established policies related to child labor, including its worst forms (Table 4).

Table 4. Policies Related to Child Labor

Policy	Description
Tokelau National Strategic Plan (2010 – 2015)	Implements the UNDAF Results Framework for the Pacific Sub-Region Projects 2013 – 2017, which includes national development strategies and priorities.(13)
UNDAF Pacific (2013 – 2017)	Promotes sustainable development and economic growth for vulnerable groups in 14 Pacific Island countries and territories: Cook Islands, Fiji, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, and Vanuatu.(13) In Tokelau, includes different youth education initiatives related to environmental, health, and food issues.(14)

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 PREVENT 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 Tokelau (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Clarify whether Tokelau has applicable laws to protect children under 18 against the worst forms of child labor.	2013 – 2014
	Determine hazardous occupations and/or activities prohibited for children in consultation with employers' and workers' organizations.	2014
Social Programs	Conduct a comprehensive study on children's activities to determine whether they are engaged in or at risk for involvement in child labor.	2014

REFERENCES

- U.S. Embassy- Wellington. *reporting*, January 29, 2015.
- Government of Tokelau and UNICEF. *A Situation Analysis of Children, Women & Youth*; 2006. http://www.unicef.org/pacificislands/Tokelau_Sitan_Part_1.pdf.
- U.S. Embassy- Wellington official. E-mail communication to USDOL official. May 16, 2014.
- Angelo, AH. *The Constitution of Tokelau*, Université de la Polynésie Française - Tahiti, [online] [cited March 24, 2014]; <http://www.upf.pf/IMG/pdf/13-RJP15-The-Constitution-of-Tokelau.pdf>.
- Central Intelligence Agency (CIA). *The World Factbook: Territory of New Zealand: Tokelau*, [online] [cited June 24, 2014]; <https://www.cia.gov/library/publications/the-world-factbook/geos/tl.html>.
- Government of Tokelau. *Tokelau Crimes, Procedures, and Evidence Rules 2003*, enacted 2003. http://www.pacii.org/tk/legis/num_act/cpaer2003302/.
- Government of New Zealand. *Defence Act 1990*, 1990 No 28, enacted April 1, 1990. <http://www.legislation.govt.nz/act/public/1990/0028/latest/DLM204973.html>
- Government of Tokelau. *Education*, [online] [cited February 4, 2014]; <http://www.mfat.govt.nz/Countries/Pacific/Tokelau.php>.
- UNESCO. "Table 4: Access to Primary Education," in *EFA Global Monitoring Report: Youth and Skills- Putting Education to Work*. Paris; 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. *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>.
- U.S. Embassy- Wellington official. E-mail communication to USDOL official. April 2, 2015.
- Government of New Zealand. *Report of the Ombudsmen* Wellington 2008. http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/370/original/ar_2007-08.pdf?1348524064.
- United Nations Development Assistance Framework (UNDAF). *United Nations Development Assistance Framework (UNDAF) for the Pacific Region 2013-2017*; 2013. http://pacific.one.un.org/images/stories/2013/UNDAF_Summary_Report.pdf.
- United Nations Development Assistance Framework (UNDAF). *Tokelau UNDAF Results Matrix 2013-2017* 2013. http://www.pacific.one.un.org/images/stories/undaf%20results%20matrix%2017%2001%2013%20for%20unct_tokelau.pdf.