

Overseas Territories of New Zealand

COOK ISLANDS

MODERATE ADVANCEMENT

In 2017, the Cook Islands made a moderate advancement in efforts to eliminate the worst forms of child labor. The government released its National Policy Framework for Children, which aims to protect the rights of children, and enacted the Family Protection and Support Bill, which includes protection for children from abuse and neglect. Research found no evidence that child labor exists in the Cook Islands. However, 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, the minimum age for work in the Cook Islands is not in compliance with international standards.

NIUE

NO ADVANCEMENT

In 2017, Niue made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor exists in Niue. However, 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 2017, Tokelau made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor exists in Tokelau. However, the government has not established adequate legal protection to prevent the worst forms of child labor. The law does not criminally prohibit forced labor and child trafficking. In addition, Tokelau has not established a minimum age for work and does not prohibit hazardous occupations and activities for children.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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

II. LEGAL FRAMEWORK FOR CHILD LABOR

COOK ISLANDS

The Cook Islands is a self-governing territory in free association with New Zealand, and it 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. (1; 2)

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. (1) The Cook Islands has ratified one key international convention concerning child labor (Table 1).

NIUE

Niue is a self-governing territory of New Zealand and is fully responsible for its internal affairs. (3)

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).







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TOKELAU

Tokelau is a non-self governing territory of New Zealand; however, New Zealand statutory law does not apply to Tokelau unless it is expressly extended to Tokelau. (4)

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. (1; 5; 4) Tokelau has not ratified any key international conventions concerning child labor (Table 1).

Table 1. Ratification of International Conventions on Child Labor

| Convention | Ratifications | | |
|--|---------------|------|---------|
| | Cook Islands | Niue | Tokelau |
|  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 (Table 2). However, gaps exist in their legal frameworks to adequately protect children from child labor, including the prohibition of using children in illicit activities.

There are no armed forces in the Cook Islands, Niue, and Tokelau. (6) New Zealand is responsible for the defense of the territories at their request and consultation. (6)

Table 2. Laws and Regulations on Child Labor

| COOK ISLANDS | | | |
|---|---------------------------------------|-----|--|
| Standard | Meets International Standards: Yes/No | Age | Legislation |
| Minimum Age for Work | Yes | 16 | Article 30 of the Employment Relations Act (7) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 73(2) of the Employment Relations Act (7) |
| 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 (7; 8) |
| Prohibition of Forced Labor | Yes | | Article 3 of the Prohibition of Forced or Compulsory Labor Ordinance; Article 109I of the Crimes Amendment Act (9; 10) |
| Prohibition of Child Trafficking | Yes | | Article 109I of the Crimes Amendment Act (10) |
| Prohibition of Commercial Sexual Exploitation of Children | No | | |
| Prohibition of Using Children in Illicit Activities | No | | |
| Prohibition of Military Recruitment | | | |
| State Compulsory | N/A*† | | |
| State Voluntary | Yes | 18 | Articles 36–37 of the Government of New Zealand's Defense Act (11) |
| Non-state | No | | |
| Compulsory Education Age | Yes | 16 | Article 23.1 of the Education Act (12) |

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

| COOK ISLANDS | | | |
|-----------------------|---------------------------------------|-----|--|
| Standard | Meets International Standards: Yes/No | Age | Legislation |
| Free Public Education | Yes | | Article 22.2 of the Education Act (12) |

* No conscription (11)

† No standing military (6)

The Employment Relations Act prohibits children younger than age 13 from being employed. (7; 13) 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. (7; 13) However, legislation does not determine the activities in which light work is permitted. (7) The Cook Islands does not criminalize the use of children in illicit activities, particularly the production and trafficking of drugs. The law does not criminally prohibit non-state armed groups from recruiting children under age 18. (11)

| 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 | | Articles 3 and 37 of the Terrorism Suppression and Transnational Crimes Act (14) |
| Prohibition of Commercial Sexual Exploitation of Children | No | | |
| Prohibition of Using Children in Illicit Activities | No | | |
| Prohibition of Military Recruitment | | | |
| State Compulsory | N/A*† | | |
| State Voluntary | Yes | 17 | Article 33 of the Government of New Zealand's Defense Act (11) |
| Non-state | No | | |
| Compulsory Education Age | Yes | 16 | Articles 2 and 24 of the Education Act (15) |
| Free Public Education | Yes | | Article 19 of the Education Act (15) |

* No conscription (16)

† No standing military (6)

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. (17; 18) Niue has not established a minimum age for hazardous work or determined by law or regulation the types of work which are hazardous for children. (17) Niue's trafficking provision does not clearly criminalize domestic trafficking or trafficking of children in the absence of force, fraud, or coercion. (14) 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, particularly the production and trafficking of drugs. (17) The law does not criminally prohibit non-state armed groups from recruiting children under 18. (11)

| TOKELAU | | | |
|--------------------------------|---------------------------------------|-----|-------------|
| Standard | Meets International Standards: Yes/No | Age | Legislation |
| Minimum Age for Work | No | | |
| Minimum Age for Hazardous Work | No | | |

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| TOKELAU | | | |
|---|---------------------------------------|-----|--|
| Standard | Meets International Standards: Yes/No | Age | Legislation |
| 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 | | |
| Prohibition of Military Recruitment | | | |
| State Compulsory | N/A*† | | |
| State Voluntary | Yes | 17 | Article 33 of the Government of New Zealand's Defense Act (11) |
| Non-state | No | | |
| Compulsory Education Age | Yes | 16 | Article 63(1) of the Tokelau Crimes, Procedures, and Evidence Rules Act (19; 20) |
| Free Public Education | Yes | | Legislation title unknown (20; 21) |

* No conscription (24)

† No standing military (21)

Tokelau has not established a minimum age for work or hazardous work or identified hazardous occupations for children. (17) Tokelau has not criminally prohibited forced labor, trafficking, or the commercial sexual exploitation of children. Tokelau has also not criminalized the use of children in illicit activities, including the production and trafficking of drugs, or their recruitment by non-state armed groups. (11; 17)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The Governments of the Cook Islands, Niue, and Tokelau have 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

| COOK ISLANDS | |
|---|---|
| Organization/Agency | Role |
| Ministry of Internal Affairs and Social Services, Labor and Employment Relations Office | Provide child services. (22) In the case of the Labor and Consumer Affairs Division, implement child labor laws in the Cook Islands. (13; 23) |
| Cook Islands Police Service | Enforce child labor laws. (22) |
| NIUE | |
| Organization/Agency | Role |
| Niue Police Department | Enforce all laws, including those related to child labor. (22) |
| Department of Justice | Investigate crimes, including cases involving the worst forms of child labor. (22) |
| TOKELAU | |
| Organization/Agency | Role |
| New Zealand Ombudsmen | Address citizens' complaints against a government office related to child labor, child health, safety, and education. (24) |

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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.

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 in the Cook Islands, Niue, and Tokelau. However, the Government of the Cook Islands has established policies related to child labor (Table 4).

Table 4. 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. (25) |
| National Policy Framework for Children (2017–2020) [†] | Provides a framework to protect the rights of children with outcomes focused on their health, education, safety, economic opportunities, and international connectivity. (26) Aims to protect the rights of children by strengthening data collection on children to improve the government's understanding of their abuse and experience in the legal system and improving collaboration between the government, parents, and the community. (13; 26) |

[†] Policy was approved during the reporting period.

In 2015, the Cook Islands released a youth study that indicated that children and young adults ages 15 through 24 were employed 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. (23)

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 PREVENT CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in the Cook Islands, Niue, and Tokelau (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor

| COOK ISLANDS | | |
|---------------------|--|-------------------|
| Area | Suggested Action | Year(s) Suggested |
| Legal Framework | Ratify ILO Convention 182; the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons. | 2016 – 2017 |
| | Ensure that the law's light work provisions are specific enough to prevent children from involvement in child labor. | 2017 |
| | Ensure that the Crimes Act addresses and criminalizes commercial child sexual exploitation, including using, procuring, and offering a child for prostitution, for the production of pornography, and for pornographic performances. | 2012 – 2017 |
| | Ensure that the law prohibits the use of children in illicit activities, including the production and trafficking of drugs. | 2015 – 2017 |
| | Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups. | 2016 – 2017 |
| Government Policies | Clarify whether children identified in the youth study were involved in child labor. | 2015 – 2017 |

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Table 5. Suggested Government Actions to Eliminate Child Labor (cont)

| NIUE | | |
|-----------------|--|-------------------|
| Area | Suggested Action | Year(s) Suggested |
| Legal Framework | Ratify ILO Convention 182; the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons. | 2016 – 2017 |
| | Establish a minimum age for work of at least 15 years. | 2013 – 2017 |
| | 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 – 2017 |
| | Ensure that laws criminally prohibit the use, procuring, and offering of a child for prostitution, the production of pornography, and pornographic performances. | 2016 – 2017 |
| | 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 – 2017 |
| | Ensure that laws criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery. | 2016 – 2017 |
| | Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs. | 2013 – 2017 |
| | Ensure that the law criminally prohibits the recruitment of children under age 18 into non-state armed groups. | 2016 – 2017 |
| TOKELAU | | |
| Area | Suggested Action | Year(s) Suggested |
| Legal Framework | Ratify ILO Convention 182; the UN CRC; the UN CRC Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; and the Palermo Protocol on Trafficking in Persons. | 2016 – 2017 |
| | 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. | 2016 – 2017 |
| | Establish a minimum age for work of at least 15 years. | 2016 – 2017 |
| | 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 – 2017 |
| | Ensure that laws criminally prohibit using, procuring, and offering a child for prostitution, the production of pornography, and pornographic performances. | 2017 |
| | Establish laws that criminally prohibit forced labor, including debt bondage, the sale and trafficking of children, and slavery. | 2013 – 2017 |
| | Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs. | 2017 |
| | Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups. | 2016 – 2017 |

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