



TOKELAU

NO ADVANCEMENT

Although research found no evidence that child labor exists in Tokelau, in 2023, the government made no advancement in efforts to prevent the worst forms of child labor. The government has not established adequate legal protections to prevent the worst forms of child labor. For instance, 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, Tokelau has not established a minimum age for work and lacks a law that prohibits hazardous occupations and activities for children.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists on Tokelau.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Tokelau’s implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ratify ILO Convention 182, the convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

Ratify the UN Convention on the Rights of the Child.

Ratify the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict.

Ratify the UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Ratify the Palermo Protocol on Trafficking in Persons.

Establish a minimum age for work of at least age 16 that equals the compulsory age of education, establish age 18 as the minimum age for hazardous work, and identify hazardous occupations and activities prohibited for children.

Ensure that laws criminally prohibit forced labor, including debt bondage and slavery.

Ensure that laws prohibit the 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.

Ensure that laws criminally prohibit the use, procuring, and offering of a child for prostitution, the production of pornography, and pornographic performances.

Ensure that laws criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.

Ensure that the law criminally prohibits the forced or compulsory recruitment of children under age 18 into non-state armed groups.

Ensure that free public education is afforded to all children, regardless of legal or resident status.



BARRIERS TO EDUCATION ACCESS

Although education in Tokelau is free for citizens, the territory is isolated, and unreliable access to transportation and telecommunication services limit students' access to education. Additionally, undocumented children and those without permanent resident status are not afforded free public education by law.



LEGAL FRAMEWORK FOR CHILD LABOR

Tokelau is a territory of New Zealand; however, New Zealand statutory law does not apply to Tokelau unless it is expressly extended to Tokelau. International treaties are applied only with the consent of the Government of Tokelau. As a result, New Zealand’s ratification of conventions does not apply automatically to Tokelau. None of the key international conventions concerning child labor have been extended to Tokelau, including ILO Convention 182 on the Worst Forms of Child Labor; the UN Convention on the Rights of the Child (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; or the Palermo Protocol on Trafficking in Persons. In addition, Tokelau's laws do not meet international standards on the minimum age for work; the prohibition of slavery, debt bondage, and forced labor; and the prohibition of commercial sexual exploitation of children.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work		
Minimum Age for Hazardous Work		
Identification of Hazardous Occupations or Activities Prohibited for Children		
Prohibition of Slavery, Debt Bondage, and Forced Labor		
Prohibition of Child Trafficking		
Prohibition of Commercial Sexual Exploitation of Children		
Prohibition of Using Children in Illicit Activities		
Minimum Age for Voluntary State Military Recruitment, 17 Years		Article 33 of the Government of New Zealand’s Defense Act
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*†	
Prohibition of Military Recruitment by Non-state Armed Groups		
Compulsory Education Age, 16 Years		Article 63(1) of the Tokelau Crimes, Procedures, and Evidence Rules Act
Free Public Education		Part 1, Section 3 of the Government of New Zealand's Education Act

* Country has no conscription

† Country has no standing military

Tokelau has not established legislation on the minimum age for work, nor has the government determined the minimum age for hazardous work or the types of work that are hazardous for children. The government also does not prohibit slavery or slavery-like practices such as forced labor. Tokelau's trafficking provision does not clearly criminalize domestic trafficking or the trafficking of children in the absence of force, fraud, or coercion. In addition, the government does not criminalize the use, procuring, or offering of children for prostitution, pornography, or pornographic performances. Tokelau has also not criminalized the use of children in illicit activities, including in the production and trafficking of drugs. Although there are no armed forces in Tokelau, the law does not criminally prohibit non-state armed groups from recruiting children under age 18. Finally, although public education is free for citizens, undocumented children and those without permanent resident status are not afforded free public education by law.



ENFORCEMENT OF LAWS ON CHILD LABOR

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. However, the Government of Tokelau has established an institutional mechanism for the enforcement of laws and regulations on child labor.

Agencies Responsible for Child Labor Law Enforcement

Tokelau Police: Enforce the islands' laws.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor	As there is no evidence of a problem, there appears to be no need for a mechanism to coordinate efforts to address child labor.
Key Policies Related to Child Labor	As there is no evidence of a problem, there appears to be no need for policies to address child labor.
Key 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.

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects
For references, please visit dol.gov/ChildLaborReports