



HUMAN RIGHTS ISSUES IN THE PACIFIC CHILDREN IN TOKELAU

INTRODUCTION

New Zealand administers Tokelau and its citizens are New Zealand citizens. New Zealand has ratified the Convention on the Rights of the Child (UNCROC). The UN Committee Concluding Observations 1997(paras. 8 & 21) and 2003 (para. 7b) express concern that UNCROC does not apply to Tokelau and recommends that New Zealand should continue its discussions with Tokelau for its application to that country.

BACKGROUND TO ACTION FOR CHILDREN AND YOUTH AOTEAROA INC

ACYA is a coalition of non-governmental organizations, families and individuals whose purpose is to promote the well-being of children and young people in Aotearoa New Zealand through:

1. education and advocacy on the rights of children and young people;
2. encouraging the government to act on the recommendations of the United Nations Committee on the Rights of the Child; and
3. promoting opportunities for the voice and participation of children and young people.

In 2003, ACYA produced and published Children and Youth in Aotearoa 2003, the New Zealand NGO Report on New Zealand's implementation of the UN Convention on the Rights of the Child (NGO Report). This report was presented to the UN Committee on the Rights of the Child in Geneva in June 2003, accompanied by a video funded by ACYA and produced by New Zealand children called Whakarongo Mai / Listen Up.

ACYA has 100 or so members, both individual and child related organizations. These organizations are the leading child interest groups. Individual members of ACYA may not agree with all the items in this submission.

BACKGROUND TO TOKELAU

Tokelau consists of 3 isolated atolls in the Pacific, about 26 hours boat journey from Samoa. The total usual resident population is 1,466 of which 604 (40%) is below 18 years of age. The country is almost totally dependant on NZ economic aid.

On 13 February 2006 a referendum held to assess support for self-government did not gain sufficient support to enable legislation to be introduced to make Tokelau self-governing. Another referendum is planned. New Zealand government policy supports self-government.

New Zealand has a Joint Agreement with Tokelau to assist them. A Census was conducted on 19 October 2006 and the report is available. There is no evidence of the equivalent to a Social Report

HUMAN RIGHTS ISSUES

Tokelau is signatory to the following UN Treaties:

- Convention Against Torture
- International Covenant on Civil and Political Rights
- Convention on the Elimination of Discrimination against Women
- International Convention on the Elimination of all Forms of Racial Discrimination
- International Covenant on Economic Social and Cultural Rights

Tokelau was mentioned in the latest Convention Against Torture report by New Zealand.

In a letter of 1 August 2006 MFaT enclosed the Tokelau General Assembly set of Human Rights Rules 2003 (page 284 Tulafono a Tokelau 2005) consisting of three short paragraphs addressing International Covenant on Civil and Political Rights.

In respect of children (those under 18 years) given the village nature of life, the following seem the most important issues:

1. Protection

No evidence is available as to the legal and administrative safeguards in place for the protection of children.. There are no prisons, six police officers and no reported serious crime or exploitation by outside agencies.

A recent case of Samoan children being sought for adoption by USA citizens highlights the vulnerability of Pacific Island children whose parents sign away rights to their children without understanding the implications. Immigration issues and citizenship rights of each child need to be safeguarded, as well education for parents against any forms of exploitation.

2. Education

There is a primary school and secondary school on each atoll. Some children receive secondary schooling in Samoa and New Zealand. The Census does not give figures for those under 15 years of age. Between 15-17 years of age 50 were still at school out of 85. Of the population aged 15 and over 171 have school certificate and 52 University entrance, out of a total of 665.

3. Health

Each atoll has a hospital. No report has been made available to review health issues. Diabetes and obesity are identified on websites as issues. Smoking is popular. There is an immunisation programme. Dental health may be poor.

SAMOA

Tokelau has an administration office in Samoa and many Tokelauan's live or visit Samoa. It is of interest to read the UN Committee's response to Samoa's Initial Report as many of the issues raised in relation to Samoa may also apply to Tokelau.

CONCLUSION

The absence of specific information about protection, education and health means that no confident conclusions can be reached about the safety and welfare of children in Tokelau.

Perhaps a first step would be an annual Social Report based on information locally useful.

19 March 2007