

Laws and Regulations on the Worst Forms of Child Labor

Cocos (Keeling) Islands are subject to the child labor laws of the state of Western Australia.(1) The Western Australia Children and Community Services Act 2004 prohibits the employment of children younger than age 15 in a business, trade or for-profit occupation.(2) The Department of Child Protection can issue an order to stop a child from working if there is a risk of harm.(1) No information was found on whether any laws define hazardous work or establish a minimum age for it.

Child prostitution is prohibited under the Western Australia Prostitution Act of 2000.(1, 3) Both the Western Australia Children and Community Services Act and the federally enacted Commonwealth Criminal Code Act 1995 of Australia proscribe the possession, production and distribution of child pornography.(2, 4, 5) The Commonwealth Criminal Code Act 1995 of Australia also criminalizes all forms of slavery, forced labor, the use of children for illicit activities and trafficking in children.(4)

Defense of Cocos (Keeling) Islands is the responsibility of the Australian Defense Force, which has a voluntary recruitment age of 17 and a minimum combat age of 18.(6-8)

Public education is free and education is compulsory until age 17.(9-11)

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor.

The Australian Federal Police, the Department of Immigration and Citizenship, and the Department of Regional Australia enforce criminal laws related to the worst forms of child labor.(1, 11)

The Australian Federal Police is responsible for investigating the commercial sexual exploitation of children, such as pornography.(1)

The Australian Federal Police has jurisdiction in trafficking matters and its Human Trafficking Teams investigate human trafficking for the purpose of transnational sexual and labor exploitation.(5) The Australian Federal Police Child Protection Operations Team performs an investigative and coordination role for multijurisdictional and international online child sex exploitation issues.(1, 5)

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor.

REFERENCES

1. U.S. Embassy- Canberra. *reporting, January 19, 2012.*
2. Government of Western Australia. *Children and Community Services Act 2004*, enacted October 20, 2004. http://www.austlii.edu.au/au/legis/wa/consol_act/cacs2004318/.
3. Government of Western Australia. *Prostitution Act 2000*, enacted July 29, 2000. http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/.
4. Government of Western Australia. *The Criminal Code Act 1995*, enacted 1995. http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html.
5. Government of Australia. *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. Canberra; 2008 December. [http://www.ncylc.org.au/Croc/First+Australian+Report+under+OPCRC\(SC\)+Proofread+Version++May+2009.pdf](http://www.ncylc.org.au/Croc/First+Australian+Report+under+OPCRC(SC)+Proofread+Version++May+2009.pdf).
6. Coalition to Stop the Use of Child Soldiers. "Australia," in *Child Soldiers Global Report 2008*. London; 2008; <http://www.childsoldiersglobalreport.org/preface>.
7. Australia. *Canberra Act 2600, Amendment No 2*, enacted April 22, 2008.
8. Central Intelligence Agency. "Cocos (Keeling) Islands," in *The World Factbook*. Washington, DC; 2012; <https://www.cia.gov/library/publications/the-world-factbook/geos/ck.html>.
9. U.S. Embassy- Canberra official. E-mail communication to official U. March 31, 2011.
10. Government of Western Australia. *School Education Act 1999*, enacted January 1, 2001. http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/.
11. U.S. Embassy- Canberra. *reporting, February 11, 2011.*

Cook Islands

In 2011, the Cook Islands made no advancement in efforts to eliminate the worst forms of child labor. Although information is limited, there are reports that some children in the Cook Islands are involved in commercial sexual exploitation. Although the Government collaborated with nongovernmental organizations in the development of a National Plan of Action on the Sexual Exploitation of Children, this Plan has not yet been implemented.

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There are reports that some children in the Cook Islands are engaged in the worst forms of child labor, specifically in commercial sexual exploitation.(1) Information about the

nature and prevalence of the problem, however, remains limited.

Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws but also follow some of the laws of New Zealand and the United Kingdom.(2) The Cook Islands follow the New Zealand Industrial and Labor Ordinance of 1964 which prohibits children younger than age 16 from working in factories without permission from the Industrial Relations Officer. The Ordinance also prohibits children younger than age 18 from any work that the Industrial Relations Officer deems dangerous. Children younger than age 18 may not work with factory machines without knowledge of the dangers, and must take precautionary measures and receive sufficient training and supervision.(3) Information on minimum age laws in other enterprises was not identified.

Forced labor and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.(4-6) Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act of 2004, but it is not clear that internal trafficking is addressed in the Act.(1, 7) There are no armed forces in the Cook Islands.(8)

The Cook Islands Crimes Act of 1969 prohibits prostitution. Brothel-keeping, living on the earnings of the prostitution of another person and procuring a girl to have sex with a man who is not her husband are illegal, as are selling, distributing or otherwise exhibiting indecent documents.(1, 9) No information was found to suggest laws exist prohibiting the use of children in illicit activities.

Education is compulsory to age 15. The Government provides free primary and secondary schooling.(10, 11)

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Cook Islands have established a coordinating mechanism to address the commercial sexual exploitation of children.

The Labor and Consumer Affairs Division of the Government monitors the implementation of child labor laws in the Cook Islands.(1) Several agencies participate in protecting children from commercial sexual exploitation. The Ministry of Internal Affairs, which includes the Child and Family Services Division, is responsible for all matters relating to children and families.(1) The Chief Censor has some responsibility for issues of pornography. The Ministries of Tourism, Culture, Education, Foreign Affairs, Health, and Justice, as well as the police also play roles in protecting children.(1) Research found no evidence that the Government of the Cook Islands maintains and publically releases information on the number of investigations, prosecutions and convictions involving the commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Past reporting indicated the Government of the Cook Islands collaborated with nongovernmental organizations to develop a National Plan of Action on the Sexual Exploitation of Children. However, this Plan has not yet been put into action.(1, 12)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government has established programs to address the commercial sexual exploitation of children.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in the Cook Islands:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Cook Islands Crimes Amendment Act 2004 to clarify prohibitions of internal trafficking in persons.	2011
	Clarify whether a law exists that prohibits the use of children in illicit activities.	2011
Coordination and Enforcement	Establish a mechanism to coordinate efforts to address the commercial sexual exploitation of children.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Monitor and make public information regarding investigations, prosecutions and convictions involving commercial sexual exploitation of children	2010, 2011
Policies	Collect, analyze and disseminate information regarding the prevalence and nature of commercial sexual exploitation of children to guide the development of policies to address the problem.	2009, 2010, 2011
	Adopt and implement the National Plan of Action on the Sexual Exploitation of Children.	2010, 2011
Social Programs	Establish social programs to address the commercial sexual exploitation of children.	2009, 2010, 2011

REFERENCES

1. ECPAT International. *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*; 2009. http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf.
2. Pacific Islands Legal Information Institute. *PacLII Databases: Cooks Islands Laws*, Pacific Islands Legal Information Institute, [online] [cited May 24, 2011]; <http://www.pacii.org/databases.html#CK>.
3. Government of New Zealand. *Industrial and Labour Ordinance 1964*, enacted December 7, 1964. http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/.
4. Government of Cook Islands. *Prohibition of Forced or Compulsory Labour Ordinance 1960*, enacted 1960. http://www.pacii.org/ck/legis/num_act/pofoclo1960503/.
5. Government of Cook Islands. *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1969*, enacted 1969. http://www.pacii.org/ck/legis/num_act/pofocloaa1969604/.
6. Government of Australia. *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1971-72*, enacted 1972. http://www.pacii.org/ck/legis/num_act/pofocloaa19711972604/.
7. Government of Cook Islands. *Crimes Amendment Act 2004*, enacted June 1, 2004. http://www.pacii.org/ck/legis/num_act/caa2004162/.
8. Coalition to Stop the Use of Child Soldiers. "Pacific Islands," in *Child Soldiers Global Report 2008*. London; 2008; <http://www.childsoldiersglobalreport.org/content/pacific-islands>.
9. Government of Cook Islands. *Crimes Act 1969*, enacted January 27, 1970. http://www.pacii.org/ck/legis/num_act/ca196982/.
10. Charts Bin. *Ending Age of Compulsory Education Around the World -- Cook Islands*, [online] [cited February 22, 2011]; <http://chartsbin.com/view/qpp>.
11. Government of the Cook Islands. *The Cook Islands*, [online] [cited April 26, 2011]; <http://www.cook-islands.gov.ck/cook-islands.php>.
12. U.S. Embassy- Wellington official. E-mail communication to USDOL official. June 4, 2012.

Falkland Islands (Islas Malvinas)

No Assessment

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

There is no evidence that children in the Falkland Islands are engaged in the worst forms of child labor.

Laws and Regulations on the Worst Forms of Child Labor

The Falkland Islands Employment of Children Ordinance prohibits the employment of children younger than age 16. It also is illegal to employ children ages 16 to 18 during school hours if the work may harm their health, safety or morals, or if the work involves lifting, carrying or moving anything that may injure them.(1) The Employment of Women, Young Persons and Children Ordinance makes it illegal to employ children in work that exposes them to physical, psychological or sexual abuse. It also protects children from work that is underground, underwater, at dangerous heights or in confined spaces, or work that requires the use of dangerous machinery, equipment or tools without training and supervision. Children younger than age 18, including those who have completed compulsory schooling, may not work at night in any industry.(2) No information was found on whether the Government has developed a list of hazardous occupations prohibited to children.

The Falkland Islands Constitution Order 2008 prohibits slavery and forced labor.(3) No information was found on whether laws exist regarding the use of children for drug trafficking or other illicit activities.

NON-INDEPENDENT COUNTRIES AND TERRITORIES – LAWS AND RATIFICATIONS

		Anguilla	British Virgin Islands	Christmas Island	Cocos (Keeling) Islands	Cook Islands	Falkland Islands	Gibraltar	Montserrat
	C138, Minimum Age	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	C182, Worst Forms of Child Labor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Convention on the Rights of the Child (CRC)	X	X	N/A	N/A	X	X	N/A	X
	CRC Optional Protocol on Armed Conflict	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	Palermo Protocol on Trafficking in Persons	N/A	N/A	N/A	N/A	No	N/A	N/A	N/A
	Minimum Age for Work	14	16	15	15	None	16	16	14
	Minimum Age for Hazardous Work	None	18	None	None	None	18	16	15
	Compulsory Education Age	17	16	17	17	15	16	15	16
	Free Public Education	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes