

## 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.

<sup>6393</sup> U.S. Embassy- Canberra, *reporting, February 9, 2010*.

<sup>6394</sup> Government of Western Australia, *Children and Community Services Act 2004*, (October 20, 2004), article 190; available from [http://www.austlii.edu.au/au/legis/wa/consol\\_act/cacsa2004318/](http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/).

<sup>6395</sup> Government of Western Australia, *Prostitution Act 2000*, (July 29, 2000), articles 16-18; available from [http://www.austlii.edu.au/au/legis/wa/consol\\_act/pa2000205/](http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/).

<sup>6396</sup> Government of Western Australia, *Children and Community Services Act 2004*, article 192. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also Government of Western Australia, *The Criminal Code Act 1995*, (1995), article 273.1; available from [http://www.austlii.edu.au/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html). See also 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*, December 2008, 3-4; available from [http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination\\_ReportsundertheConventionontheRightsoftheChild](http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_ReportsundertheConventionontheRightsoftheChild).

<sup>6397</sup> Government of Australia, *Criminal Code Amendment (Slavery and Sexual Servitude Act)*, (September 21, 1999), articles 270.1-270.2; available from [http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/\\$file/10499.pdf](http://www.comlaw.gov.au/comlaw/Legislation/Act1.nsf/0/0FAA0D6C550AA4F8CA2574350017B3BF/$file/10499.pdf).

<sup>6398</sup> Government of Western Australia, *Criminal Code*, division 271.

<sup>6399</sup> Central Intelligence Agency, "Christmas Island," in *The World Factbook*, Washington, DC, 2009; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/kt.html>. See also Central Intelligence Agency, "Cocos (Keeling) Islands." See also Coalition to Stop the Use of Child Soldiers, "Child Soldiers: Australia."

<sup>6400</sup> U.S. Embassy- Canberra official, E-mail communication to USDOL official, March 31, 2011. See also Government of Western Australia, *School Education Act 1999*, (January 1, 2001); available from [http://www.austlii.edu.au/au/legis/wa/consol\\_act/sea1999170/](http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/). See also U.S. Embassy- Canberra, *reporting, February 11, 2011*.

<sup>6401</sup> ILO, *Country Baselines Under the ILO Declaration Annual Review (2000-2010): Australia*, 2010, 14; available from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_](http://www.ilo.org/wcmsp5/groups/public/---ed_)

[norm/---declaration/documents/publication/wcms\\_091263.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf).

<sup>6402</sup> U.S. Embassy- Canberra, *reporting, February 11, 2011*.

<sup>6403</sup> 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*, 20.

<sup>6404</sup> USDOL Bureau of International Labor Affairs, *Australia Labor Rights Report*, June 8, 2004, 16; available from <http://www.dol.gov/ilab/media/reports/usfta/labor.pdf>.

<sup>6405</sup> *Ibid.*, 19.

<sup>6406</sup> 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*, 5-6. See also U.S. Embassy- Canberra, *reporting, February 11, 2011*. See also U.S. Embassy- Canberra official, E-mail communication to USDOL official, July 13, 2011.

<sup>6407</sup> 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*, 5-6.

## Cook Islands

### 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.<sup>6408</sup> Information about the nature and prevalence of the problem remains limited.

### Laws and Regulations on the Worst Forms of Child Labor

The Cook Islands have some of their own laws and also follow some of the laws of New Zealand and the United Kingdom.<sup>6409</sup> The New Zealand Industrial and Labor Ordinance 1964 prohibits children younger than age 16 from working in factories without permission from the Industrial Relations Officer. The law 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, precautions to be taken and sufficient training or supervision.<sup>6410</sup> Information on minimum age laws in other enterprises was not identified.

Forced and compulsory labor are criminal acts under the Cook Islands Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts.<sup>6411</sup> Trafficking in persons is illegal under the Cook Islands Crimes Amendment Act 2004, but it is not clear that internal trafficking is addressed in the act.<sup>6412</sup> There are no armed forces in the Cook Islands.<sup>6413</sup>

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.<sup>6414</sup> The prostitution of boys is not specifically addressed under the law.

Education is compulsory to age 15.<sup>6415</sup> The Government provides free primary and secondary schooling.<sup>6416</sup>

### **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. There are several agencies that 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.<sup>6417</sup> The Chief Censor has some responsibility for issues of pornography.<sup>6418</sup> The Ministries of Tourism, Culture, Education, Foreign Affairs, Health, and Justice and the police also play roles in protecting children.<sup>6419</sup> Research found no evidence that the Government maintains and publically releases information on the number of investigations, violations and prosecutions involving commercial sexual exploitation of children.

### **Government Policies on the Worst Forms of Child Labor**

Government, civil society organizations and religious groups collaborated on the development of the National Plan of Action on Sexual Exploitation of Children: Protecting Our Future. Research did not find evidence of the completion, adoption or implementation of the plan.<sup>6420</sup>

### **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 reduction of the worst forms of child labor in Cook Islands:

### IN THE AREA OF LAWS AND REGULATIONS:

- Ensure that laws against commercial sexual exploitation protect all children regardless of gender.

### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to address the commercial sexual exploitation of children.
- Monitor and make public information regarding investigations, violations and prosecutions involving commercial sexual exploitation of children.

### IN THE AREA OF 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.
- Adopt and implement the National Plan of Action on Sexual Exploitation of Children.

### IN THE AREA OF PROGRAMS:

- Establish social programs to address the commercial sexual exploitation of children.

<sup>6408</sup> ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 2009, 11-14; available from [http://www.ecpat.net/A4A\\_2005/PDF/EAP/Global\\_Monitoring\\_Report-COOKISLANDS.pdf](http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-COOKISLANDS.pdf).

<sup>6409</sup> Pacific Islands Legal Information Institute, *PacLII Databases: Cooks Islands Laws*, [online] [cited May 24, 2011]; available from <http://www.pacii.org/databases.html#CK>.

<sup>6410</sup> Government of New Zealand, *Industrial and Labour Ordinance 1964*, (December 7, 1964), articles 52-53; available from [http://www.pacii.org/ck/legis/ck-nz\\_act/ialo1964270/](http://www.pacii.org/ck/legis/ck-nz_act/ialo1964270/).

<sup>6411</sup> Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance 1960*, (1960); available from [http://www.pacii.org/ck/legis/num\\_act/pofoclo1960503/](http://www.pacii.org/ck/legis/num_act/pofoclo1960503/). See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1969*, (1969); available from [http://www.pacii.org/ck/legis/num\\_act/pofocloaa1969604/](http://www.pacii.org/ck/legis/num_act/pofocloaa1969604/). See also Government of Cook Islands, *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1971-72*, (1972); available from [http://www.pacii.org/ck/legis/num\\_act/pofocloaa19711972604/](http://www.pacii.org/ck/legis/num_act/pofocloaa19711972604/).

<sup>6412</sup> Government of Cook Islands, *Crimes Amendment Act 2004*, (June 1, 2004), articles 109 H-I; available from [www.pacii.org/ck/legis/num\\_act/caa2004162/](http://www.pacii.org/ck/legis/num_act/caa2004162/). See also ECPAT

International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 26.

<sup>6413</sup> Coalition to Stop the Use of Child Soldiers, "Pacific Islands."

<sup>6414</sup> Government of Cook Islands, *Crimes Act 1969*, (January 27, 1970), articles 138, 160-163; available from [http://www.pacii.org/ck/legis/num\\_act/ca196982/](http://www.pacii.org/ck/legis/num_act/ca196982/). See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 24.

<sup>6415</sup> Charts Bin, *Ending Age of Compulsory Education Around the World -- Cook Islands*, [online] 2007 [cited February 22, 2011]; available from <http://chartsbin.com/view/qpp>. See also Government of the Cook Islands, *The Cook Islands*, [online] [cited April 26, 2011]; available from <http://www.cook-islands.gov.ck/cook-islands.php>.

<sup>6416</sup> Government of the Cook Islands, *The Cook Islands*.

<sup>6417</sup> ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children - Cook Islands*, 17.

<sup>6418</sup> Ibid.

<sup>6419</sup> Ibid.

<sup>6420</sup> Ibid., 14-15.