

Cocos (Keeling) Islands

NO ADVANCEMENT

Although research found no evidence that child labor exists in the Cocos (Keeling) Islands, the government made no advancement in efforts to prevent the worst forms of child labor in 2018. The Cocos (Keeling) Islands does not meet the international standard for the prohibition of child trafficking. In addition, a gap in the legal framework for light work leaves children vulnerable to involvement in child labor.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the Cocos (Keeling) Islands. (1)

II. LEGAL FRAMEWORK FOR CHILD LABOR

The Cocos (Keeling) Islands are included as part of the territory of the Australian Commonwealth, which provides for its defense. (2-6) All legislation of the Federal Parliament applies, unless specifically excluded. (7) Because Australia has ratified most key international conventions concerning child labor, the following conventions apply to the Cocos (Keeling) Islands (Table 1).

Table 1. Ratification of International Conventions on Child Labor

	Convention	Ratification
	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 Cocos (Keeling) Islands is subject to the laws and regulations related to child labor of the Commonwealth of Australia and the state of Western Australia (Table 2). However, gaps exist in its legal framework to adequately protect children from child labor, including the prohibition of child trafficking.

Table 2. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Section 190 of the Western Australia Children and Community Services Act (8)
Minimum Age for Hazardous Work	Yes	18	Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (9)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (9)
Prohibition of Forced Labor	Yes		Sections 270.6–270.7 of the Commonwealth Criminal Code Act of Australia; Sections 270.6–270.7 and 271.9 of the Crimes Legislation Amendment Act (10,11)
Prohibition of Child Trafficking	No		Sections 271.1A, 271.4, and 271.7 of the Commonwealth Criminal Code Act of Australia (10)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 16 of the Western Australia Prostitution Act; Section 192 of the Western Australia Children and Community Services Act (8,12)
Prohibition of Using Children in Illicit Activities	Yes		Sections 309–310 of the Commonwealth Criminal Code Act of Australia (10)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Canberra Act 2600 (13)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Canberra Act 2600 (13)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Sections 268.68 and 268.88 of the Commonwealth Criminal Code Act of Australia (10)
Compulsory Education Age	Yes	17.5	Section 6 of the Western Australia School Education Act (14)
Free Public Education	Yes		Section 98 of the Western Australia School Education Act (14)

* No conscription (13)

In the Cocos (Keeling) Islands, the Government of Western Australia's Children and Community Services Act sets the minimum age for light work in delivery employment at 10 years if the child is accompanied by a parent or an authorized adult. This is not in compliance with international standards, which set the minimum age for light work at age 13. (8,15) Laws related to child trafficking are not sufficient as the recruitment, harboring, transfer, and receipt (domestically) of children for forced labor and commercial sexual exploitation are not clearly prohibited. (10) As the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

In the Cocos (Keeling) Islands, the Western Australia School Education Act notes that education is compulsory until the end of the year in which a child reaches the age of 17 years and 6 months, until the child finishes the minimum requirements for secondary school graduation under the Curriculum Council Act of 1997, or until the child reaches age 18, whichever comes first. (14)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

Although there is no evidence of a problem, the Government of Australia has established institutional mechanisms for the enforcement of laws and regulations on child labor, which apply to the Cocos (Keeling) Islands (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Australian Federal Police, the Department of Immigration, and the Department of Regional Development	Enforce criminal laws related to the worst forms of child labor. (16) In the case of the Child Protection Operations Team, coordinates and investigates online and multi-jurisdictional online child sex exploitation issues, including child pornography. (17) In the case of Human Trafficking Teams, investigate human trafficking for the purpose of transnational sexual and labor exploitation. (18)
Australian Department of Child Protection	Issues orders to stop a child from working if there is a risk of harm. (19) Authorized to inspect all workplaces where children are employed for compliance and issue penalties. (8,20)

Western Australian WorkSafe Inspectors provide services on the Cocos (Keeling) Islands, where they have the right to enter, at any time, any workplace including aircraft, ships, and vehicles in which employees work or are likely to be in the course of their work. Inspectors have unrestricted access to workplaces, except where there is a statutory restriction, to determine whether employers are in compliance with the Occupational Safety and Health Act. (1,21)

Labor Law Enforcement

As there is no evidence of a problem, there appears to be no need for enforcement actions to address child labor.

Criminal Law Enforcement

As there is no evidence of a problem, there appears to be no need for criminal law enforcement actions to address child labor.

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Although there is no evidence of a problem, the Government of Australia has established mechanisms to coordinate government efforts on child labor (Table 4).

Table 4. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Interdepartmental Committee on Human Trafficking	Chaired by the Attorney General's Department, deals with child labor issues, including its worst forms, from a human trafficking perspective and consists of 10 government agencies, including the Australian Federal Police, Department of Employment, and Department of Foreign Affairs. (1,18) This Committee was active in 2018, but information regarding its work was unavailable for inclusion in this report. (22)

V. GOVERNMENT POLICIES ON CHILD LABOR

Although there is no evidence of a problem, the Government of Australia has established policies related to child labor (Table 5).

Table 5. Key Policies Related to Child Labor

Policy	Description
National Action Plan to Combat Human Trafficking and Slavery 2015–2019	Outlines cooperation and participation by government and non-government entities to combat human trafficking and slavery, including commercial sexual exploitation of children. (1,23) While this policy was in effect in 2018, research was unable to determine whether activities were undertaken to implement it during the reporting period.

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 ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in the Cocos (Keeling) Islands (Table 6).

Table 6. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimum age for work to the age up to which education is compulsory.	2018
	Raise the minimum age for all light work to comply with international standards.	2015 – 2018
	Ensure that child trafficking, including the recruitment, harboring, transfer, and receipt of children for forced labor and commercial sexual exploitation, is clearly criminalized both domestically and internationally.	2018

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