

Cocos (Keeling) Islands

NON-INDEPENDENT COUNTRIES AND TERRITORIES

NO ADVANCEMENT

In 2015, the Cocos (Keeling) Islands made no advancement in efforts to eliminate the worst forms of child labor. Although research found no evidence that child labor, including its worst forms, exists in the Cocos (Keeling) Islands, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor, including a minimum age for light work that is below international standards.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor, including its worst forms, exists in the Cocos (Keeling) Islands.(1){U.S. Embassy- Canberra, #2;U.S. Embassy- Canberra, #13;U.S. Embassy- Canberra, #16}

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The Cocos Keeling Islands Act 1955 provides that the Cocos (Keeling) Islands are included as part of Australia, as denoted by law. (2) Accordingly, all legislation of the federal parliament applies to these territories, unless specifically excluded, including Australia's ratification of conventions.(3) 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 are subject to the child labor laws of the state of Western Australia.(4, 5) The Government has established laws and regulations related to child labor, including its worst forms (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Section 190 of the Children and Community Services Act (6)
Minimum Age for Hazardous Work	Yes	18	Sections 2.28 and 10.4 of the Mine Safety and Inspection Regulations; Section 121(10) and (11) of the Liquor Control Act (7, 8)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Section 192 of the Children and Community Services Act; Sections 2.28 and 10.4 of the Mine Safety and Inspection Regulations; Sections 10, 11, and 121 of the Liquor Control Act (6-8)
Prohibition of Forced Labor	Yes		Sections 270.6 and 270.7 of the Commonwealth Criminal Code Act; Crimes Legislation Amendment Act (9, 10)
Prohibition of Child Trafficking	Yes		Sections 271.2–271.7 of the Commonwealth Criminal Code Act; Crimes Legislation Amendment Act (9, 10)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 16 of the Prostitution Act; Section 192 of the Children and Community Services Act; Sections 271.2–271.7 of the Commonwealth Criminal Code Act; Crimes Legislation Amendment Act (6, 9-13)
Prohibition of Using Children in Illicit Activities	Yes		Section 309 of the Commonwealth Criminal Code Act (9)

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Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service*	Combat: Yes Non-Combat: Yes	18 17	Canberra Act (14)
Minimum Age for Compulsory Military	N/A*		
Compulsory Education Age	Yes	17‡	Section 6 of the Western Australia School Education Act (15)
Free Public Education	Yes		Section 98 of the Western Australia School Education Act (15)

* No conscription (14)

‡ Age calculated based on available information (15)

According to the Western Australia School Education Act, 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 the age of 18, whichever comes first.(15)

The Children and Community Services Act sets the minimum age for light work in delivery employment at 10 years. This is not in compliance with international standards, which sets the minimum age for light work at 13 years.(6)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF 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, including its worst forms, which apply to the Cocos (Keeling) Islands (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Australian Federal Police	Investigate the commercial sexual exploitation of children, including pornography. In the case of the Department of Immigration and the Department of Regional Development, enforce criminal laws related to the worst forms of child labor.(13) In the case of the Human Trafficking Team, maintain jurisdiction in trafficking matters and investigate human trafficking for transnational sexual and labor exploitation. (11) In the case of the Child Protection Operations Team, coordinate and investigate online and multijurisdictional online child sexual exploitation.(11, 13)
Department of Child Protection	Issue orders to stop a child from working if there is a risk of harm.(13)

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.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor, including its worst forms.

V. 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 child labor, including its worst forms.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

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

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, a suggested action is identified that would advance the continued prevention of child labor, including its worst forms, in the Cocos (Keeling) Islands (Table 4).

Table 6. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimum age for all light work to 13 to comply with international standards.	2015

REFERENCES

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15. Manik, M. "Child Labour at Brick Crushing Factory in Bangladesh." January 7, 2014. <http://www.demotix.com/news/3625453/child-labour-brick-crushing-factory-bangladesh/all-media>.