

Cocos (Keeling) Islands

NO ASSESSMENT

For the 2021 reporting period, no assessment has been made regarding the Cocos (Keeling) Islands' efforts to advance the elimination of the worst forms of child labor because there is no evidence of a worst forms of child labor problem and the territory has a good legal and enforcement framework on 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 non-self-governing and are included as part of the territory of the Australian Commonwealth. (1-3) Under the Acts Interpretation Act 1901 (Cth), all laws of the Commonwealth are applicable to the Cocos (Keeling) Islands as if they were a part of mainland Australia. (2,4) The following Conventions have been extended 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 laws and regulations related to child labor of the Commonwealth of Australia and the state of Western Australia. The government's laws and regulations are in line with relevant international standards (Table 2).

Table 2. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	17.5	Section 190 of the Children and Community Services Act 2004 (WA) (CKI); Section 29 of the School Education Act 1999 (WA) (CKI) (5,6)
Minimum Age for Hazardous Work	Yes	18	Regulations 6.2 and 6.6 and Schedule 6.3 of the Occupational Health and Safety Regulations 1996 (WA) (CKI); Section 10.4 of the Mines Safety and Inspection Regulations 1995 (WA) (CKI); Section 193 of the Children and Community Services Act 2004 (WA) (CKI) (5,7,8)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Regulations 6.2 and 6.6 and Schedule 6.3 of the Occupational Health and Safety Regulations 1996 (WA)(CKI); Classes of Licenses for High Risk Work; Section 10.4 of the Mines Safety and Inspection Regulations 1995 (WA)(CKI) (7-9)
Prohibition of Forced Labor	Yes		Sections 270.1-4, 270.6, and 270.7 of the Criminal Code Act 1995 (Cth); Sections 270.6, 270.7, and 271.9 of the Crimes Legislation Amendment Act 2013 (Cth) (10,11)
Prohibition of Child Trafficking	Yes		Divisions 270 and 271 of the Criminal Code Act 1995 (Cth) (10)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 16–18 of the Prostitution Act 2000 (WA) (CKI); Section 192 of the Children and Community Services Act 2004 (WA) (CKI); Section 217 of the Criminal Code Act Compilation Act 1913 (WA) (CKI) (5,12,13)
Prohibition of Using Children in Illicit Activities	Yes		Divisions 309–310 of the Criminal Code Act 1995 (Cth) (10)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Canberra Act 2600 (14)

Cocos (Keeling) Islands

NO ASSESSMENT

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Canberra Act 2600 (14)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Sections 268.68 and 268.88 of the Criminal Code Act 1995 (Cth) (10)
Compulsory Education Age	Yes	17.5	Section 6 of the School Education Act (WA) (CKI) (6)
Free Public Education	Yes		Section 98 of the School Education Act (WA) (CKI) (6)

* Country has no conscription. (14)

In the Cocos (Keeling) Islands, the Children and Community Services Act 2004 (WA) (CKI) sets the minimum age for light work in delivery types of employment at age 10 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. (5) The lightwork framework is also insufficient because there is no limit on the number of hours children may work per week or the type of work children may engage in. (5) However, the government has noted that there is no delivery service, no post boxes, and no newspaper in the Cocos (Keeling) Islands, although there is a twice-monthly government-produced community newsletter that students deliver on Saturdays. Based on available information, local policies governing the light work involved in distribution of this newsletter are in line with international standards. (1)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

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. However, the Government of Australia has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Western Australia Department of Communities	Enforces laws related to the minimum age for work through a Service Delivery Arrangement, under which Australian Government services are provided in the Cocos (Keeling) Islands. (1)
Western Australia Department of Mines, Industry Regulation and Safety	Enforces laws related to hazardous child labor and occupational safety and health through a Service Delivery Arrangement, under which Australian Government services are provided in the Cocos (Keeling) Islands. (1)
Australian Federal Police	Enforce criminal laws related to the worst forms of child labor. (15) Oversee the Child Protection Operations Team, which coordinates and investigates online and multijurisdictional child sexual exploitation issues, including child pornography; and the Human Trafficking Teams, which investigate human trafficking for the purposes of transnational sexual and labor exploitation. (16,17)

Labor Law Enforcement

As there is no evidence of a problem, there appears to be no need for labor law 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

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor. However, the Government of Australia has established a mechanism to coordinate its efforts to address child labor (Table 4).

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

Coordinating Body	Role & Description
Interdepartmental Committee on Human Trafficking (IDC)	Deal with child labor issues, including its worst forms, from a counter-trafficking perspective. Comprises 12 government agencies, including the Australian Federal Police, Department of Employment, and Department of Foreign Affairs, and is chaired by the Australian Border Force. (1,17) Includes an Operational Working Group subcommittee that meets monthly and refers emerging policy issues for IDC consideration. (1) During the reporting period, the IDC published its tenth report on the government's efforts to prevent human trafficking, including private sector engagement and allocation of funds to promote justice for victims of human trafficking. (18,19)

During the reporting period, the Government of Australia issued its annual report detailing the previous year's activities related to implementation of the Modern Slavery Act. Efforts included conducting awareness-raising events and promoting best practices in public sector procurement. (20)

V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor. However, 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 2020–2025	Sets five strategic priorities for addressing modern slavery, which the National Action Plan defines as trafficking in persons, slavery, slavery-like practices, and the worst forms of child labor. Priorities include: (1) prevention; (2) disruption, investigation, and prosecution; (3) support and protection for victims; (4) partnerships; and (5) research. (1,21) The policy was active during the reporting period. (1)

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.

However, federal cash transfer programs for youth and families are available to residents of the Cocos (Keeling) Islands. (1)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, there are no actions needed to advance the continued prevention of child labor in the Cocos (Keeling) Islands.

REFERENCES

- 1 U.S. Embassy- Canberra. Reporting. January 28, 2022.
- 2 Government of Australia. Acts Interpretation Act 1901. Enacted: July 12, 1901. <https://www.legislation.gov.au/Details/C2016C00531/Download>
- 3 Government of Cocos (Keeling) Islands. Cocos Keeling Islands Act. Enacted: December 15, 2010. <https://www.comlaw.gov.au/Details/C2010C00815>
- 4 Government of Australia. Legal Risk in International Transaction: Section 10: External Territories. Canberra. July 15, 2010 <http://www.alrc.gov.au/publications/alrc-80-legal-risk-international-transactions/10-external-territories>
- 5 Government of Western Australia. Children and Community Services Act 2004. Enacted: October 20, 2004. http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/
- 6 Government of Western Australia. School Education Act 1999. Enacted: November 2, 1999. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_878_homepage.html
- 7 Government of Western Australia. Mines Safety and Inspection Regulations 1995. Enacted: December 8, 1995. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1819_homepage.html
- 8 Government of Western Australia. Occupational Safety and Health Regulations 1996. Enacted: 1996. As Amended: 2021. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1853_homepage.html
- 9 Government of Western Australia, Department of Mines, Industry Regulation and Safety. High Risk Work – Classes of License. Accessed January 29, 2021. Source on file.

Cocos (Keeling) Islands

NO ASSESSMENT

- 10 Government of Australia. The Criminal Code Act 1995. Enacted: 1995. http://www.austlii.edu.au/au/legis/cth/consol_act/ccal995l115/schl1.html
- 11 Government of Australia. Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013. Enacted: March 8, 2013. <https://www.legislation.gov.au/Details/C2013A00006>
- 12 Government of Western Australia. Prostitution Act 2000. Enacted: July 29, 2000. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11564_homepage.html
- 13 Government of Western Australia. Criminal Code Act Compilation Act 1913. Enacted: 1913. As Amended: 2020. https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_11564_homepage.html
- 14 Government of Australia. Canberra Act 2600. Enacted: April 22, 2008. Source on file.
- 15 Government of Australia. Australian Federal Police: Child Protection. Website, Accessed March 22, 2019. <https://www.afp.gov.au/what-we-do/crime-types/child-protection>
- 16 Australian Federal Police (AFP). AFP Child Protection Operations-Online Child Sex Exploitation. Website, Accessed March 22, 2019. . <https://www.afp.gov.au/what-we-do/crime-types/child-protection>
- 17 Government of Australia. Parliamentary Joint Committee on Law Enforcement: An inquiry into human trafficking, slavery, and slavery-like practices. July 2017. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Humantrafficking45/~/_media/Committees/le_ctte/Humantrafficking45/report.pdf
- 18 Government of Australia. Trafficking in Persons: The Australian Government Response. 2021. <https://www.homeaffairs.gov.au/criminal-justice/files/report-of-the-interdepartmental-committee-on-human-trafficking-and-slavery-2017-2020.pdf>
- 19 U.S. Embassy- Canberra. Reporting. February 4, 2022.
- 20 Government of Australia. Implementing the Modern Slavery Act. November 23, 2021. <https://www.homeaffairs.gov.au/criminal-justice/files/implementing-the-modern-slavery-act-2018.pdf>
- 21 Government of Australia. National Action Plan to Combat Modern Slavery 2020–2025. 2020. <https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/combating-modern-slavery-2020-25>