# Christmas Island

# No Assessment

For the 2013 reporting period, no assessment has been made regarding Christmas Island’s efforts to advance the elimination of the worst forms of child labor because 2013 is the first year suggested actions are included for Christmas Island. While there is no evidence of a problem, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor. Christmas Island does not have a minimum age for hazardous work, or a list of hazardous activities which may leave children vulnerable to the worst forms of child labor.

# Prevalence and Sectoral Distribution of Child Labor

There is no evidence that children on Christmas Island are engaged in the worst forms of child labor.([1](#_ENREF_1), [2](#_ENREF_2))

# Legal Framework on the Worst Forms of Child Labor

The Acts Interpretation Act 1901 provides that Christmas Island is part of the definition of “Australia” in the laws of Australia. Accordingly, all legislation of the federal parliament applies to these territories unless specifically excluded, including Australia’s ratification of conventions.([3](#_ENREF_3))

Because Australia has ratified most key international conventions concerning child labor, the following conventions apply to Christmas Island (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 | ✓ |

Christmas Island is subject to the child labor laws of the state of Western Australia.([1](#_ENREF_1)) The Government has established relevant 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 | Western Australia Children and Community Services Act 2004 ([4](#_ENREF_4)) |
| Minimum Age for Hazardous Work | No |  | Western Australia Children and Community Services Act 2004 ([4](#_ENREF_4)) |
| List of Hazardous Occupations Prohibited for Children | No |  |  |
| Prohibition of Forced Labor | Yes |  | Commonwealth Criminal Code Act 1995 of Australia ([5](#_ENREF_5)) |
| Prohibition of Child Trafficking | Yes |  | Commonwealth Criminal Code Act 1995 of Australia ([5](#_ENREF_5)) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes |  | Western Australia Prostitution Act of 2000, the Western Australia Children and Community Services Act, and the federally enacted Commonwealth Criminal Code Act 1995 of Australia ([4-8](#_ENREF_4)) |
| Prohibition of Using Children in Illicit Activities | Yes |  | Commonwealth Criminal Code Act 1995 of Australia ([5](#_ENREF_5)) |
| Minimum Age for Voluntary Military Service | Combat:  Yes  Non-Combat:  Yes | 18  17 | Australian Defense Force ([9](#_ENREF_9), [10](#_ENREF_10)) |
| Compulsory Education Age | Yes | 17 | Western Australia School Education Act ([1](#_ENREF_1), [2](#_ENREF_2), [7](#_ENREF_7), [11](#_ENREF_11)) |
| Free Public Education | Yes |  | Western Australia School Education Act ([1](#_ENREF_1), [2](#_ENREF_2), [7](#_ENREF_7), [11](#_ENREF_11)) |

No information was found on whether any laws specifically define hazardous work or establish a minimum age for it.

# Enforcement of Laws on the Worst Forms of Child Labor

Even though 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 Christmas Island (Table 3).

**Table 3. Agencies Responsible for Child Labor Law Enforcement**

|  |  |
| --- | --- |
| **Organization/Agency** | **Role** |
| Australian Federal Police, the Department of Immigration and Border Protection, and the Department of Infrastructure and Regional Development | Enforce criminal laws related to the worst forms of child labor. Issue orders for a child to stop working if there is risk of harm.([1](#_ENREF_1), [7](#_ENREF_7)) |
| Australian Federal Police | Investigate the commercial sexual exploitation of children, including pornography.([7](#_ENREF_7)) |
| Australian Federal Police: Human Trafficking Teams | Investigate human trafficking for the purpose of transnational sexual and labor exploitation.([1](#_ENREF_1), [8](#_ENREF_8)) |
| Australian Federal Police: Child Protection Operations Team | Investigate and coordinate multijurisdictional and international online child sex exploitation issues, including child pornography.([1](#_ENREF_1), [7](#_ENREF_7), [8](#_ENREF_8)) |

# 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 coordinating mechanisms to address child labor, including its worst forms, in Christmas Island.

# Government Policies on the Worst Forms of Child Labor

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

# 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 social programs to address the worst forms of child labor, in Christmas Island.

# Suggested Government Actions to Prevent the Worst Forms of Child Labor

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor, including its worst forms, in Christmas Island (Table 4).

**Table 4. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms**

|  |  |  |
| --- | --- | --- |
| **Area** | **Suggested Action** | **Year(s) Suggested** |
| Laws | Clarify whether Christmas Island has codified a list of hazardous activities prohibited for children under age 18. | 2013 |
| Clarify whether Christmas Island has established a minimum age for hazardous work. | 2013 |

1. U.S. Embassy- Canberra. *reporting, January 19, 2012*.

2. U.S. Embassy- Canberra. *reporting, January 17, 2014*.

3. Government of Australia, Australian Law Reform Commission. *Legal Risks in International Transactions (Section 10: External Territories)*. Sydney; July 19, 2012. <http://www.alrc.gov.au/publications/alrc-80-legal-risk-international-transactions/10-external-territories>.

4. 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/>.

5. Government of Western Australia. *The Criminal Code Act 1995*, enacted 1995. <http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html>.

6. Government of Western Australia. *Prostitution Act 2000*, enacted July 29, 2000. <http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/>.

7. U.S. Embassy- Canberra. *reporting, February 11, 2011*.

8. 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; December 2008. <http://www.ncylc.org.au/Croc/First+Australian+Report+under+OPCRC(SC)+-+Proofread+Version+-+May+2009.pdf>.

9. Government of Australia. *Canberra Act 2600, Amendment No 2*, enacted April 22, 2008.

10. Government of Australia. *Canberra Act 2600*, enacted April 22, 2008.

11. U.S. Embassy- Canberra official. E-mail communication to USDOL official. March 31, 2011.