# Cook Islands

# No Advancement

In 2013, the Cook Islands made no advancement in efforts to prevent the worst forms of child labor. While there is no evidence of a problem, the Government’s legal framework is insufficient to protect children from prostitution and pornography, and research could not determine whether laws prohibit internal trafficking or use of children in illicit activities. Also, a list of hazardous occupations prohibited to children has not been developed.

# Prevalence and Sectoral Distribution of Child Labor

Research found no evidence that child labor exists in the Cook Islands.([1-3](#_ENREF_1))

# Legal Framework on the Worst Forms of Child Labor

The Cook Islands is a self-governing territory of New Zealand. The territory follows a combination of its own laws and some of the laws of New Zealand and the United Kingdom that were enacted prior to self-government in 1965.([1](#_ENREF_1), [4](#_ENREF_4)) There are no armed forces in the Cook Islands.([5](#_ENREF_5), [6](#_ENREF_6)) New Zealand is responsible for the Cook Islands’ defense at its request and in consultation with the Cook Islands.([5](#_ENREF_5))

Since 1988, no treaty signed, ratified, accepted, approved, or acceded to by New Zealand extends to the Cook Islands, unless New Zealand acted expressly on behalf of the Cook Islands.([7](#_ENREF_7))

The following convention has been ratified by the Cook 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 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 | 13 | Employment Relations Act 2012 ([8](#_ENREF_8)) |
| Minimum Age for Hazardous Work | Yes | 18 | Employment Relations Act 2012 ([8](#_ENREF_8)) |
| List of Hazardous Occupations Prohibited for Children | No |  |  |
| Prohibition of Forced Labor | Yes |  | Prohibition of Forced and Compulsory Labor Ordinance and Amendment Acts ([9-11](#_ENREF_9)) |
| Prohibition of Child Trafficking | Yes |  | Cook Islands Crimes Amendment Act of 2004 ([12](#_ENREF_12)) |
| Prohibition of Commercial Sexual Exploitation of Children | No |  |  |
| Prohibition of Using Children in Illicit Activities | No |  |  |
| Minimum Age for Compulsory Military Recruitment |  |  |  |
| Minimum Age for Voluntary  Military Service | Yes | 17 | Minimum Entry Requirements- Army Generic Requirements for New Zealand ([13](#_ENREF_13)) |
| Compulsory Education Age | Yes | 16 | Education Act of 2012 ([14](#_ENREF_14)) |
| Free Public Education | Yes |  | Education Act of 2012 ([14](#_ENREF_14)) |

In 2012, the Cook Islands enacted the Employment Relations Act, which prohibits children younger than 13 years of age from being employed.([8](#_ENREF_8), [15](#_ENREF_15)) The Act also prohibits a school-aged person, defined as 13 to 16 years old, from working during normal school hours, for more than 10 hours a week outside of school hours, or for work that is not considered light work.([8](#_ENREF_8)) Light work is defined in the Act as work that does not threaten the child’s health and safety, or hamper the child’s education or vocational orientation and training.([8](#_ENREF_8)) Under the Act, children under 18 years old are prohibited from working in hazardous occupations.([8](#_ENREF_8)) However, research indicates that a list of hazardous occupations has not been developed.

Under the Cook Islands Crimes Amendment Act 2004, trafficking in persons across borders is illegal; however, it is not clear whether internal trafficking is addressed in the Act.([12](#_ENREF_12), [16](#_ENREF_16))

The Cook Islands Crimes Act of 1969 prohibits prostitution but does not address child prostitution or child pornography.([12](#_ENREF_12), [16](#_ENREF_16), [17](#_ENREF_17)) In 2010, the Government of the Cook Islands began a comprehensive review of the Crimes Act to amend provisions of the Act, to include criminalizing child prostitution and child pornography.([1](#_ENREF_1), [2](#_ENREF_2), [17](#_ENREF_17)) To date, the Act has not yet been modified.([2](#_ENREF_2), [17](#_ENREF_17))

Research could not determine whether laws prohibiting the use of children for illicit activities exist.

# Enforcement of Laws on the Worst Forms of Child Labor

Even though there is no evidence of a problem, the Government has established institutional mechanisms to monitor the implementation of child labor laws in the Cook Islands (Table 3).

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

|  |  |
| --- | --- |
| **Organization/Agency** | **Role** |
| The Labor and Consumer Affairs Division of the Government | Implement child labor laws in the Cook Islands.([18](#_ENREF_18)) |

# 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 the Cook Islands.

# 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, in the Cook Islands.

# 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 child labor, including its worst forms, in the Cook Islands.

# 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 the Cook Islands (Table 4).

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

|  |  |  |
| --- | --- | --- |
| **Area** | **Suggested Action** | **Year(s) Suggested** |
| Laws | Develop and enact a list of hazardous occupations. | 2012 – 2013 |
| Clarify whether the Cook Islands Crimes Amendment Act 2004, prohibitions extend to internal trafficking in persons. | 2011 – 2013 |
| Amend the Crimes Act to address and criminalize child prostitution and child pornography. | 2012 – 2013 |
|  | Clarify whether a law exists that prohibits the use of children in illicit activities. | 2011 – 2013 |

1. Punanga Tauturu Incorporated. *Cook Islands NGO Parallel Report to the Convention on the Rights of the Child*. Rarotonga, Cook Islands; September 29, 2011. <http://www.crin.org/resources/infodetail.asp?id=26495>.

2. U.S. Embassy- Wellington. *reporting, January 22, 2014*.

3. U.S. Embassy- Wellington official. E-mail communication to USDOL official. May 10, 2013.

4. Government of the Cook Islands. *The Cook Islands*, Government of Cook Islands, [online] [cited February 22, 2013]; <http://www.cook-islands.gov.ck>.

5. Central Intelligence Agency. *The World Factbook: The Cook Islands*, [online] August 9, 2013 [cited https://[www.cia.gov/library/publications/the-world-factbook/geos/cw.html](http://www.cia.gov/library/publications/the-world-factbook/geos/cw.html).

6. Child Soldiers International. "Appendix II: Data Summary on Recruitment Ages of National Armies," in *Louder than Words: An Agenda for Action to End State Use of Child Soldiers*. London; September 2012; <http://www.child-soldiers.org/global_report_reader.php?id=562>.

7. U.S. Embassy- Wellington official. E-mail communication to USDOL official. May 16, 2014.

8. Government of Cook Islands. *Employment Relations Act 2012*, enacted

9. Government of Cook Islands. *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1971-1972*, 6 of 1971-1972, enacted February 28, 1972. <http://www.paclii.org/ck/legis/num_act/pofocloaa19711972604/>.

10. Government of Cook Islands. *Prohibition of Forced or Compulsory Labour Ordinance Amendment Act 1969*, 3 of 1969, enacted 1969. <http://www.paclii.org/ck/legis/num_act/pofocloaa1969604/>.

11. Government of Cook Islands. *Prohibition of Forced or Compulsory Labour Ordinance 1960*, 2 of 1960, enacted 1960. <http://www.paclii.org/ck/legis/num_act/pofoclo1960503/>.

12. Government of Cook Islands. *Crimes Amendment Act 2004*, 5 of 2004, enacted June 1, 2004. [www.paclii.org/ck/legis/num\_act/caa2004162/](http://www.paclii.org/ck/legis/num_act/caa2004162/).

13. *Minimum Entry Requirements- Army Generic Requirements for New Zealand*, New Zealand Defense Force, [online] [cited August 8, 2013]; <http://www.defencecareers.mil.nz/army/joining-up/am-i-eligible/minimum-entry-requirements>.

14. Government of Cook Islands. *Education Act 2012*, 18 of 2012, enacted December 12, 2012. <http://www.education.gov.ck/attachments/article/785/Education%20Act%202012.pdf>.

15. Public Services International. *Cook Islands workers celebrate new labour legislation*. Ferney-Voltaire Cedex, France; January 2, 2013. <http://www.world-psi.org/en/cook-islands-workers-celebrate-new-labour-legislation>.

16. Government of Cook Islands. *Crimes Act 1969*, enacted January 27, 1970. <http://www.paclii.org/ck/legis/num_act/ca196982/>.

17. Reeves, R. *Cook Islands Seeks to Modernize 1969 Crimes Act*. Rarotonga, Pacific Islands Development Program/East-West Center; February 13, 2012. <http://pidp.eastwestcenter.org/pireport/2012/February/02-16-19.htm>.

18. Government of Cook Islands. *Cook Islands Response to 2011 TDA Appendix* Wellington; 2013.