

COOK ISLANDS

MINIMAL ADVANCEMENT

Although research found no evidence that child labor exists in the Cook Islands, in 2023, the government made minimal advancement in efforts to prevent the worst forms of child labor. The government continued to support the objectives outlined in the National Youth Policy, which identifies priority areas for youth development, including education, health, and safe work opportunities. However, the government has not established adequate legal protections to prevent the worst forms of child labor. The law does not criminally prohibit the use, procuring, or offering of a child for prostitution, the production of pornography, or pornographic performances. Finally, the law also does not criminally prohibit the use of children for illicit activities, including for the production and trafficking of drugs.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the Cook Islands.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in the Cook Islands' implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Ratify the UN Convention on the Rights of the Child Optional Protocol on Armed Conflict.

Ratify the UN Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography.

Ratify the Palermo Protocol on Trafficking in Persons.

Ensure that the law's light work provisions determine the sectors in which light work is permitted.

Ensure that the law prohibits the use of children in illicit activities, including in the production and trafficking of drugs.

Ensure that the law identifies hazardous occupations or prohibited activities for children.

Ensure that laws criminally prohibit slavery and practices similar to slavery.

Ensure that laws criminally prohibit both domestic and international child trafficking.

Ensure that laws criminally prohibit the commercial sexual exploitation of children.












Establish by law free basic public education for all children.

Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.



LEGAL FRAMEWORK FOR CHILD LABOR

The Cook Islands is self-governing in free association with New Zealand. 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. The Cook Islands has not ratified the UN Convention on the Rights of the Child (UN CRC) Optional Protocol on Armed Conflict; the UN CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; or the Palermo Protocol on Trafficking in Persons. In addition, the Cook Islands' laws do not meet international standards on the prohibition of commercial sexual exploitation of children, the prohibition of using children in illicit activities, and free public education.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 16 Years		Article 30 of the Employment Relations Act
Minimum Age for Hazardous Work, 18 Years		Article 73(2) of the Employment Relations Act
Identification of Hazardous Occupations or Activities Prohibited for Children		Article 73 of the Employment Relations Act; Articles 52 and 53 of the Industrial and Labor Ordinance
Prohibition of Slavery, Debt Bondage, and Forced Labor		Articles 2–6 of the Prohibition of Forced or Compulsory Labor Ordinance; Articles 109b, 109e, 109h, and 109i of the Crimes Amendment Act
Prohibition of Child Trafficking		Articles 109b, 109e, 109h, 109i, and 109j of the Crimes Amendment Act
Prohibition of Commercial Sexual Exploitation of Children		Articles 109b, 109h, 109i, and 109k of the Crimes Amendment Act
Prohibition of Using Children in Illicit Activities		
Minimum Age for Voluntary State Military Recruitment, 18 Years		Articles 36 and 37 of the Government of New Zealand’s Defense Act
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*†	
Prohibition of Military Recruitment by Non-state Armed Groups		
Compulsory Education Age, 16 Years		Article 23.1 of the Education Act
Free Public Education		Article 22.2 and 22.3 of the Education Act

* Country has no conscription

† Country has no standing military

The Employment Relations Act 2012 prohibits children younger than age 13 from being employed and also prohibits a school-age person, defined as ages 13 to 16, from working during normal school hours, working for more than 10 hours a week outside of school hours, or doing work that is not considered light work. However, the Cook Islands’ government has not determined the sectors in which light work is permitted for children. Furthermore, although the Employee Relations Act prohibits children younger than age 18 from engaging in hazardous occupations, the government has not identified a list of prohibited hazardous occupations for children. The Cook Islands’ laws also do not criminalize the use of children in illicit activities, particularly in the production and trafficking of drugs. Although the Crimes Amendment Act of 2004 prohibits slavery and practices similar to slavery, it is only in the context of international trafficking. Cook Islands’ law prohibiting practices related to slavery, debt bondage, and forced labor are therefore not sufficient, because they do not criminalize slavery or practices similar to slavery in all contexts. Additionally, the Crimes Amendment Act of 2004 is not sufficient to meet international standards because it only applies to international trafficking. While the Crimes Amendment Act 2004 prohibits child trafficking, it does not prohibit the use or offering of a child for prostitution, the production of pornography, or pornographic performances. Moreover, although there are no armed forces in the Cook Islands, the law does not criminally prohibit non-state armed groups from recruiting children under age 18. Finally, while the Cook Islands provides free education to citizens, permanent residents, and children of permanent residents, children outside of these categories must pay a school fee.



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 the Cook Islands has established institutional mechanisms for the enforcement of laws and regulations on child labor.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Internal Affairs: Lead agency for implementation of the UN Convention on the Rights of the Child. Made up of multiple divisions, including Labor, Welfare, and Consumer Services, among others. The division currently has three labor inspectors that handle all matters related to employment and consumer affairs.

Cook Islands Police Service: Responsible, in conjunction with the Crown Law Office, for enforcement of criminal laws against forced child labor, child trafficking, and criminal sexual exploitation. If cases are detected by the Ministry of Internal Affairs, they are referred to the police.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>As there is no evidence of a problem, there appears to be no need for a mechanism to coordinate efforts to address child labor.</p>	
<p>Key Policies Related to Child Labor</p> <p>As there is no evidence of a problem, there appears to be no need for policies to address child labor. However, the Government of the Cook Islands has established a policy that may contribute to preventing child labor.</p>	<p>Cook Islands National Youth Policy (2021–2026): Identifies priority areas for youth development, including education, health, and safe work opportunities. During the reporting period, the Government of the Cook Islands continued its support of the policy.</p>
<p>Key Social Programs to Address Child Labor</p> <p>As there is no evidence of a problem, there appears to be no need for programs to address child labor.</p>	

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects

For references, please visit dol.gov/ChildLaborReports