

COOK ISLANDS (2016-2018)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2016–2018 ARs: Yes: the Cook Islands Chamber of Commerce (CCC) and the Cook Islands Workers Association (CIWA) have been consulted in the reporting process by the ILO blank e-questionnaire via email for their comments and in puts.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2018 AR: No. 2017 AR: Observations by CCC.	
	Workers' organizations	2018 AR: No. 2017 AR: Observations by CIWA.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	The Cook Islands has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2018 AR: The Protocol is unlikely to be ratified. 2017 AR: The ratification of the Protocol is likely.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	<p>2018 AR: The Government does not yet have a national policy and plans of action for preventing all forms of forced labour as well as for combatting trafficking in persons. It further reports that the Labour division, together maybe with the Police and the Ministry of Foreign Affairs and Immigration, would be the main government agencies to work together. Areas where more control would be needed would be in the care industry, informal sector for risks of forced labour happening but the possibilities are still very low in a labour force of 4000 workers, 10% of which are migrant workers.</p> <p>2016-2017 ARs: Cook Islands does not yet have a national policy and plans of action for preventing all forms of forced labour as well as for combatting trafficking in persons. The Government envisages adopting a national policy and/or plan of action under the DWCP, 2022. It requires ILO technical assistance to develop policy and plan of action.</p>	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent forms of forced labour	<p>2017 AR: The measures taken or envisaged are: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers; b) Strengthening and broadening of the coverage of legislation, particularly labour law; c) Regulation and supervision of the labour recruitment and placement process; d) Supporting due diligence by the public and private sectors; e) Addressing the root causes that perpetuate forced labour; h) Capacity building for the competent authorities; and i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations.</p> <p>2016 AR: Prevention measures are envisaged for employers, migrant and domestic workers, such as: information, education and awareness raising targeting especially people in vulnerable situation and employers; addressing the root causes that perpetuate forced labour; and capacity building for competent authorities.</p>	

	Measures taken or envisaged to protect victims of forced labour	
	Measures taken or envisaged to facilitate access to remedies	2016-2017 ARs: The Government envisages to provide information and counselling for victims (migrants and domestic workers) regarding their rights; development of forced labour indicators; and capacity building and enhanced resources for competent authorities.
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
	Cooperation with other Member States, international / regional organizations or NGOs	2017 AR: The Government has been cooperating with ILO, requesting technical assistance including in creating a labour force and a labour market assessment.
	Promotional activities	
	Special initiatives/Progress	
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations
		Workers' organizations
	According to the Government	<p>2018 AR: The obstacles include: a) Lack of awareness; b) Lack of information and data; c) Lack of resources in the institutional framework; d) Challenges linked to the labour recruitment and placement process; e) Challenges linked to migration policies; f) Lack of resources in employers' organizations; and g) Lack of resources in workers' organizations.</p> <p>2016–2017 ARs: The obstacles include: a) Lack of awareness; b) Lack of information and data; d) Social and economic circumstances; f) Shortcomings in the legislative framework; g) Lack of resources in the institutional framework; h) Challenges linked to the labour recruitment and placement process; i) Challenges linked to migration policies; j) Lack of social dialogue on the principle; k) Lack of resources in employers' organizations; and l) Lack of resources in workers' organizations.</p>
TECHNICAL COOPERATION NEEDS	Request	<p>2018 AR: The Government requires ILO technical cooperation in the following areas: Most important: a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information; c) Guidance on the development of the national policy and plan of action; d) Strengthening the legal framework; e) Capacity building for the competent authorities; f) Interinstitutional coordination; and g) Capacity building for employers' and workers' organizations. Important: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Promotion of fair migration policies; c) Promotion of fair recruitment and placement practices; d) Basic social security guarantees; e) Guidance on supporting due diligence; f) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and g) Exchange of experiences between countries or regions; international cooperation.</p> <p>2017 AR: Cook Islands require ILO technical cooperation in the following areas: Most importantly or importantly: a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information; c) Capacity building for the competent authorities; d) Capacity building for employers' and workers' organizations; e) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; f) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; g)</p>

		<p>Strengthening the legal framework; h) Inter-institutional coordination; and i) Promotion of fair migration policies. Less importantly: a) Vocational training, job-creation and income-generation programmes for at-risk populations; b) Guidance on the development of the national policy and plan of action; c) Promotion of fair recruitment and placement practices; d) Basic social security guarantees; e) Guidance on supporting due diligence; and f) Exchange of experiences between countries or regions; international cooperation.</p> <p>2016 AR: The Government prioritized the following areas: awareness-raising and mobilization activities; guidance on development of the national policy and plan of action; capacity building for the competent authorities; promotion of fair migration policies.</p>
	<p>Offer</p>	