

Saint Helena, Ascensión, and Tristán da Cunha

NON-INDEPENDENT COUNTRIES AND TERRITORIES

NO ADVANCEMENT

(formerly called Saint Helena)

In 2014, Saint Helena, Ascensión, and Tristán de Cunha made no advancement in efforts to prevent the worst forms of child labor. Although no information suggests that the worst forms of child labor are a problem, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor. The Government lacks legislation prescribing a minimum age for work, and it is unclear whether a list of hazardous occupations exists for children. There are legislative gaps in the prohibition of trafficking of children for labor exploitation and the use of children for commercial sexual exploitation. These gaps make children vulnerable to the worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




Research found no evidence that child labor, including its worst forms, exists in Saint Helena, Ascensión, and Tristán da Cunha.(1)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

British Overseas Territories (OTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they do not form part of the UK. They are self-governing, except in the areas of foreign affairs and defense. Domestic UK Law does not generally apply to OTs, unless explicitly extended.(2)

The following conventions have been extended to Saint Helena, Ascensión, and Tristán da Cunha (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 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	No		
Minimum Age for Hazardous Work	Yes	18	Section 158 of Welfare of Children Ordinance (1, 3)
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Saint Helena – Section 8, Ascensión – Section 125, Tristán da Cunha – Section 190, Constitution Order 2009 (4)
Prohibition of Child Trafficking	Yes		Articles 57-60 of U.K. Sexual Offences Act 2003 (5)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 47-51 of U.K. Sexual Offences Act 2003 (5)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*†		

Saint Helena, Ascensión, and Tristán da Cunha

NO ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

(formerly called Saint Helena)

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service	Combat: No	18	Section 328, UK Armed Forces Act 2006 (2, 6, 7)
	Non-combat: Yes	16	
Compulsory Education Age	Yes	15 16	Saint Helena, Tristán da Cunha – Section 34 of the Education Ordinance (8) Ascensión – Ascensión Island Education Policy (9)
Free Public Education	Yes		Saint Helena – Section 16, Ascensión – Section 132, Tristán da Cunha – Section 198, Constitution Order 2009 (4, 8, 9) Saint Helena – Section 43, Education Ordinance(8) Ascensión – Education Policy 2010(9)

* No conscription (2)

† No standing military (2)

The Government has no legal framework establishing a minimum age for work.(10) The Education Ordinance prohibits children of compulsory school age from working during school hours.(8) No information was found on whether the Government has developed a list of hazardous occupations prohibited to children. The compulsory education age is ambiguous, particularly for Ascensión, where the Ascensión Island Education Policy notes that education is compulsory from age five until a child takes their General Certificate of Secondary Education (GCSE) exams.(9)

The UK Sexual Offences Act of 2003, which is applicable to Saint Helena, prohibits trafficking for sexual exploitation, but does not address trafficking of children for labor exploitation.(11) The Saint Helena Welfare of Children Ordinance Act of 2008 prohibits the exploitation of children for Commercial Sexual Exploitation (CSEC), by, for example, a brothel owner, but does not prohibit the use (by a client) of a child for CSEC. The ILO CEACR has requested that the Government of Saint Helena take corrective measures in both cases.(11)

The UK Government has introduced systems to track ages and locations of individual soldiers, with the aim of preventing soldiers under age 18 from being deployed into hostilities. Deployment of members of the armed forces who have not yet reached age 18 is permitted when there is a genuine need and the situation is urgent.(2, 6, 7, 12)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF 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.

IV. 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.

V. 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 the worst forms of child labor in Saint Helena, Ascensión, and Tristán da Cunha.

VI. 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 programs to address child labor, including its worst forms.

(formerly called Saint Helena)

VII. 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 Saint Helena, Ascensión, and Tristán da Cunha (Table 3).

Table 3. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a legal minimum age for work.	2012 – 2014
	Clarify whether the Government has developed a list of hazardous occupations prohibited to children.	2013 – 2014
	Establish laws to prohibit trafficking of children for labor exploitation.	2014
	Establish laws to prohibit the use of children who are engaged in commercial sexual exploitation.	2014

REFERENCES

1. U.S. Embassy- London. *reporting*, January 31, 2013.
2. U.S. Embassy- London. E-mail communication to USDOL official. May 8, 2014.
3. Government of Saint Helena. *Welfare of Children Ordinance*, 14 of 2008, enacted March 1, 2010. <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Welfare-of-Children-Ord-310712.pdf>.
4. Government of the United Kingdom of Great Britain and Northern Ireland. *The Saint Helena, Ascensión and Tristan da Cunha Constitution Order 2009*, enacted September 1, 2009. <http://www.legislation.gov.uk/uksi/2009/1751/made/data.pdf>.
5. United Kingdom. *Sexual Offences Act 2003*, enacted 2003. http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf.
6. United Kingdom. *Armed Forces Act 2006*, enacted 2006. <http://www.legislation.gov.uk/ukpga/2006/52/contents>.
7. 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.
8. Government of Saint Helena. *Education Ordinance*, 8 of 2008, enacted August 30, 2008. <http://www.sainthelena.gov.sh/data/files/resources/559/Education-Ordinance.pdf>.
9. Government of Ascensión Island. *Ascensión Island Education Policy*, enacted October 2010. http://www.twoboatsschool.org/images/Ascension_Island_Education_Policy_Oct_2010.pdf.
10. U.S. Embassy- London. *reporting*, January 21, 2014.
11. ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) St. Helena (ratification: 2009) Published: 2014* accessed October 25, 2014; <http://www.ilo.org/dyn/normlex/en/f?p=1000:11003:0::NO::>.
12. Owen, J. "One in Six Recruits to Army is Aged 16." *The Independent*, London, May 29, 2011. <http://www.independent.co.uk/news/uk/home-news/one-in-six-recruits-to-army-is-aged-16-2290403.html>.