

Falkland Islands (Islas Malvinas)

NON-INDEPENDENT COUNTRIES AND TERRITORIES

NO ADVANCEMENT

In 2014, the Falkland Islands 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, the Government appears to lack a complete preventive legal framework to protect all children from trafficking for the purposes of labor exploitation. It also is unclear whether the Falkland Islands have established a more comprehensive list of hazardous work prohibited to children, and whether the use of children in illicit activities is prohibited. This leaves 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 the Falkland Islands.(1, 2)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

British Overseas Territories (BOTs) are territories under the jurisdiction and sovereignty of the United Kingdom (UK), but they are not part of the UK. They are self-governing, except in the areas of foreign affairs and defense.(3) Domestic UK law does not generally apply to OTs, unless explicitly extended, and conventions ratified under UK law need to be officially extended to BOTs.(3)

The following conventions have been extended to the Falkland 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	14	Section 4 of the United Kingdom Employment of Women, Young Persons, and Children Ordinance of 1968 and 2006; Section 18 of the Children and Young Persons Act of 1933 (4-6)
Minimum Age for Hazardous Work	Yes	15	Section 4A of the United Kingdom Employment of Women, Young Persons, and Children Ordinance of 1968 and 2006; Section 18 of the Children and Young Persons Act of 1933 (4-6)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Section 3 of the Employment of Children Ordinance of 1968 (as Amended in 2006) (4, 5)
Prohibition of Forced Labor	Yes		Chapter 1 Section 1 of the Falkland Islands Constitution Order 2008(7)
Prohibition of Child Trafficking	Yes		Part 1 of the Sexual Offenses Act
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part 1 of the Sexual Offenses Act (8)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		

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Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service	Combat: No Non-Combat: Yes	18 16	Chapter 18, Section 4 of the Armed Forces Enlistment Regulations; Part 14, Section 328 of the UK Armed Forces Act 2006 (9)
Compulsory Education Age	Yes	16	Education Amendment Ordinance of 2008; Chapter 1, Section 12 of Falkland Islands Constitution Order of 2008 (7, 10, 11)
Free Public Education	Yes		Education Amendment Ordinance of 2008 (10, 11)

*No conscription or no standing military (12, 13)

The *Employment of Women, Young Persons, and Children Ordinance of 1968* (as amended in 2006) (the EWYPC Ordinance) and the Child and Young Persons Act extend to the Falkland Islands.(4) The EWYCP defines “child” as any person who is younger than age 14, while the definition of “young person” applies to ages 14 through 17. While the Child and Young Persons Act both prohibit the full time employment of children under 15, it includes an exception allowing the employment of children older than 14 in light work.(6) The EWYCP Ordinance makes it illegal to employ children under age 14 in work that exposes them to physical, psychological, or sexual abuse.(11) The EWYPC Ordinance protects children from work that is underground, underwater, at dangerous heights, in confined spaces, as well as from work that requires using dangerous machinery, equipment, or tools without training and supervision; it also prohibits work at night in any industry.(4, 5) No information was found on whether the Government has developed a more comprehensive list of hazardous occupations and activities prohibited for children through age 17, or if the law prohibits the use of children in illicit activities.(4, 5)

Although child trafficking has not been identified as having occurred in the Falkland Islands, the UK legal system and Falkland Island Ordinances do not appear to protect children, specifically young persons older than age 16, from internal and cross-border trafficking for the purposes of labor exploitation.(5, 7, 8)

The UK Government has introduced systems to track the ages and locations of individual soldiers, with the aim of preventing children 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(12, 14, 15).

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 mechanisms to coordinate addressing 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 child labor, including its worst forms.

VI. SOCIAL PROGRAMS TO ADDRESS 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.

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 the Falkland Islands (Table 3).

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the list of hazardous occupations and activities prohibited for children is comprehensive.	2012 – 2014
	Ensure that the law prohibits the use of children in illicit activities.	2013 – 2014
	Clarify whether the law protects all children under age 18 from being trafficked for any purpose, including labor exploitation.	2012 – 2014

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