

Saint Helena, Ascensión, and Tristán da Cunha

NO ADVANCEMENT

Although research found no evidence that child labor exists in Saint Helena, Ascensión, and Tristán da Cunha, in 2020 the government made no advancement in efforts to prevent the worst forms of child labor. The government has yet to define by law or regulation the types of hazardous work prohibited to children, other than work on vessels engaged in maritime navigation. Gaps also remain in legislation related to forced child labor and the trafficking of children for labor exploitation.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in Saint Helena, Ascensión, and Tristán da Cunha. (1-4) Data on key indicators on children's work and education in Saint Helena, Ascensión, and Tristán da Cunha are not available from the sources used in this report.

II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories (BOTs) recognize the jurisdiction and sovereignty of the United Kingdom (UK), but are not constitutionally part of the UK. They are self-governing, except in the areas of foreign affairs and defense. (5) Domestic UK law does not generally apply unless explicitly extended to these territories. Saint Helena, Ascensión, and Tristán da Cunha are three separate territories that generally incorporate English Law Ordinances to the extent permitted by local circumstances and subject to modification by local laws. (2,5) Under Article 35(4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. If the Convention is accepted, it is considered applicable to that territory. (5) The following Conventions have been extended to and accepted by 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 of Saint Helena, Ascensión, and Tristán da Cunha has established laws and regulations related to child labor (Table 2). However, gaps exist in Saint Helena, Ascensión, and Tristán da Cunha's legal framework to adequately protect children from the worst forms of child labor, including prohibition of child trafficking and using children in illicit activities.

Table 2. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	16	Section 158 of the Welfare of Children Ordinance (6)
Minimum Age for Hazardous Work	Yes	18	Sections 158 of the Welfare of Children Ordinance (6)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 158 of the Welfare of Children Ordinance (6)

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Table 2. Laws and Regulations on Child Labor (Cont.)

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	No		Sections 8 (Saint Helena), 125 (Ascensión), and 190 (Tristán da Cunha) of the Constitution Order (7)
Prohibition of Child Trafficking	No		Articles 57–60 of the Sexual Offences Act (8)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 47–51 of the Sexual Offences Act; Sections 145–147 of the Welfare of Children Ordinance (6,8)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	N/A†		
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*†		
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	16	Section 34 of the Education Ordinance (Saint Helena and Tristán da Cunha); Ascensión Island Education Policy (Ascensión) (9,10)
Free Public Education	Yes		Section 16 (Saint Helena), Section 132 (Ascensión), and Section 198 (Tristán da Cunha) of the Constitution Order; Section 43 (Saint Helena) of the Education Ordinance; and Education Policy (Ascensión) (7,9,10)

* No conscription (11)

† No standing military (11)

The Government of Saint Helena, Ascensión, and Tristán da Cunha has not determined by national law or regulation the types of hazardous work prohibited to children, other than work on vessels engaged in maritime navigation. (2,6) The laws prohibiting forced labor in Saint Helena, Ascensión, and Tristán da Cunha are not sufficient because debt bondage and slavery are prohibited constitutionally but not criminally. (7) While the UK Sexual Offences Act, which is applicable to this territory, prohibits trafficking for sexual exploitation, it does not specifically address the trafficking of children and there are no laws prohibiting the trafficking of children for labor exploitation. (8)

III. 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.

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for mechanisms to coordinate efforts to address child labor.

V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor.

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.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor in Saint Helena, Ascension, and Tristan da Cunha (Table 3).

Table 3. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify international conventions on child labor.	2020
	Determine the types of hazardous work prohibited for children, in consultation with employers' and workers' organizations.	2013 – 2020
	Ensure that forced labor, debt bondage, and slavery are criminally prohibited.	2017 – 2020
	Establish laws to criminally prohibit trafficking of children for labor exploitation.	2014 – 2020
	Establish laws to criminally prohibit the use of children in illicit activities.	2015 – 2020
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2020

REFERENCES

- 1 U.S. Embassy- London. Reporting. January 15, 2021.
- 2 U.S. Embassy- London. Reporting. January 14, 2020.
- 3 U.S. Embassy- London. Reporting. January 22, 2016.
- 4 ILO. Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys. Analysis received March 12, 2021. For more information, please see "Children's Work and Education Statistics: Sources and Definitions" in the Reference Materials section of this report.
- 5 U.S. Embassy- London. Reporting. January 24, 2017.
- 6 Government of Saint Helena. Welfare of Children Ordinance. Enacted: March 1, 2010.
<http://www.sainthelena.gov.sh/wp-content/uploads/2018/06/Welfare-of-Children-Ord-Updated-040618.pdf>
- 7 Government of the United Kingdom of Great Britain and Northern Ireland. The Saint Helena, Ascension, and Tristan da Cunha Constitution Order 2009. Enacted: September 1, 2009.
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- 9 Government of Saint Helena. Education Ordinance. Enacted: August 30, 2008.
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- 10 Government of Ascension Island. Ascension Island Education Policy. Enacted: October 2010. Source on file.
- 11 CIA. The World Factbook: Saint Helena, Ascension, and Tristan da Cunha. Accessed August 6, 2018.
<https://www.cia.gov/the-world-factbook/countries/saint-helena-ascension-and-tristan-da-cunha/>