

# Falkland Islands (Islas Malvinas)

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED PRACTICE THAT DELAYED ADVANCEMENT

Although research found no evidence that child labor exists in the Falkland Islands (Islas Malvinas), in 2021, the government made minimal advancement in efforts to prevent the worst forms of child labor. During the reporting period, the Safeguarding Children's Board met quarterly and hosted trainings on safeguarding children, including understanding child sexual exploitation. However, the Falkland Islands (Islas Malvinas) are assessed as having made only minimal advancement because it continued to implement a practice that delays advancement to prevent child labor. There is no functioning labor inspectorate in the Falkland Islands (Islas Malvinas) to enforce labor laws. Labor inspections are a key tool for identifying child labor violations, and their absence makes children more vulnerable to the worst forms of child labor. In addition, the minimum ages for work and for hazardous work do not meet international standards, and the law does not prohibit adults from using, procuring, and offering a child for the production and trafficking of drugs.




## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists in the Falkland Islands (Islas Malvinas). (1)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

British Overseas Territories 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. (2) The Falkland Islands (Islas Malvinas) generally incorporate English Law Ordinances to the extent permitted by local circumstances and subject to modification by local laws. Under Article 35 (4) of the ILO Constitution, when the UK ratifies a Convention, the Territory must consider if it will accept the Convention. (2) If the Convention is accepted, it is considered applicable to that Territory. The following Conventions have been extended to and accepted by the Falkland Islands (Islas Malvinas) (Table 1). (2)

**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 the Falkland Islands (Islas Malvinas) has established laws and regulations related to child labor (Table 2). However, gaps exist in the Falkland Islands' (Islas Malvinas') legal framework to adequately protect children from the worst forms of child labor, including the failure to criminalize the use of children in illicit activities.

**Table 2. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	14	Section 3 of the Employment of Children Ordinance (3)
Minimum Age for Hazardous Work	No	16	Section 3 of the Employment of Children Ordinance; Sections 2, 3 and 4A of the Employment of Women, Young Persons, and Children Act (3,4)
Identification of Hazardous Occupations or Activities Prohibited for Children	No		Section 3 of the Employment of Children Ordinance; Section 3 of the Employment of Women, Young Persons, and Children Act (3,4)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Section 117 of the Crimes Ordinance of 2014; Chapter 1, Section 4 of the Constitution Order (5,6)
Prohibition of Child Trafficking	Yes		Section 87 of the Crimes Ordinance of 2014; Part 1, Sections 57–60 of the Sexual Offenses Act (5,7)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 259–263 of the Crimes Ordinance of 2014; Part 1 of the Sexual Offenses Act (5,7)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Voluntary State Military Recruitment	Yes	17	Article 10 of the Falkland Islands Defense Ordinance (8)
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	Education Ordinance; Chapter 1, Section 12 of the Constitution Order (6,9)
Free Public Education	Yes		Education Amendment Ordinance; Chapter 1, Section 12 of the Constitution Order (6,9)

\* Country has no conscription (10)

The minimum age of 14 for work and the minimum age of 16 for hazardous work are not in compliance with international standards. In addition, the minimum age for work is lower than the compulsory education age, which may encourage children to leave school before the completion of compulsory education. (4,11) The Government of the Falkland Islands (Islas Malvinas) has not determined by national law or regulation the types of hazardous work prohibited for children, other than industrial undertakings. (3,4) The law also does not prohibit adults from using, procuring, or offering a child for the production or trafficking of drugs.

### 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. The Government of the Falkland Islands (Islas Malvinas) has established an institutional mechanism for the enforcement of laws and regulations on child labor. However, the absence of a labor inspectorate at the national level in the Falkland Islands (Islas Malvinas) may impede the enforcement of child labor laws (Table 3).

**Table 3. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Royal Falkland Islands Police	Enforce laws, including those protecting children against abuses. Participate in the Safeguarding Children Board and lead the Board's trainings on understanding child sexual exploitation. (12,13)

### 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. However, the Government of the Falkland Islands (Islas Malvinas) has established a mechanism to coordinate its efforts to address child labor (Table 4).

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**Table 4. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Falkland Islands Safeguarding Children Board	Develops child safety and welfare policies concerning intervention, training, recruitment, safety, investigation and communication, review of serious cases and child deaths, and monitoring of performance by agencies so that improvements may be made. Chaired by the Director of Health and Social Services, members include the Education Department, the Attorney General's Chambers, Social Services, Royal Falkland Islands Police, healthcare professionals, members of the Legislative Assembly, and a representative from the military community. (14) Met quarterly in 2021 and published a training prospectus outlining mandatory trainings for all government personnel working with vulnerable children and adults. The required courses include a training on understanding child sexual exploitation led by the Royal Falkland Islands Police. (13,15)

## 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, the following actions would advance the continued prevention of child labor in the Falkland Islands (Islas Malvinas) (Table 5).

**Table 5. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify international conventions on child labor.	2020 – 2021
	Raise the minimum age for work to at least age 15 and up to the age to which education is compulsory in all sectors.	2017 – 2021
	Ensure that the minimum age for hazardous work is age 18 and that national law determines prohibited work activities for children.	2015 – 2021
	Ensure that the law prohibits the use of children in illicit activities, including in the production and trafficking of drugs.	2013 – 2021
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2012 – 2021
Enforcement	Establish a labor inspectorate to enforce labor laws, including laws pertaining to child labor.	2021

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