# Falkland Islands (Islas Malvinas)

# 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.

# Prevalence and Sectoral Distribution of Child Labor

Research found no evidence that child labor, including its worst forms, exists in the Falkland Islands.([1](#_ENREF_1), [2](#_ENREF_2))

# 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](#_ENREF_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](#_ENREF_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](#_ENREF_4)) |
| 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](#_ENREF_4)) |
| Prohibition of Hazardous Occupations or Activities for Children | Yes |  | Section 3 of the Employment of Children Ordinance of 1968 (as Amended in 2006) ([4](#_ENREF_4), [5](#_ENREF_5)) |
| Prohibition of Forced Labor | Yes |  | Chapter 1 Section 1 of the Falkland Islands Constitution Order 2008([7](#_ENREF_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](#_ENREF_8)) |
| Prohibition of Using Children in Illicit Activities | No |  |  |
| Minimum Age for Compulsory Military Recruitment | N/A\* |  |  |
| 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](#_ENREF_9)) |  |
| Compulsory Education Age | Yes | 16 | Education Amendment Ordinance of 2008;Chapter 1, Section 12 of Falkland Islands Constitution Order of 2008 ([7](#_ENREF_7), [10](#_ENREF_10), [11](#_ENREF_11)) |
| Free Public Education | Yes |  | Education Amendment Ordinance of 2008 ([10](#_ENREF_10), [11](#_ENREF_11)) |

\*No conscription or no standing military ([12](#_ENREF_12), [13](#_ENREF_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](#_ENREF_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](#_ENREF_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](#_ENREF_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](#_ENREF_4), [5](#_ENREF_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](#_ENREF_4), [5](#_ENREF_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](#_ENREF_5), [7](#_ENREF_7), [8](#_ENREF_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](#_ENREF_12), [14](#_ENREF_14), [15](#_ENREF_15)).

# 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.

# 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.

# 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.

# 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.

# 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).

**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 |

1. U.S. Embassy London. *reporting, January 21, 2014*.

2. U.S. Embassy London. *reporting, January 15, 2015*. [on File with USDOL].

3. U.S. Embassy Official. e-mail May 9th, 2014.

4. ILO Committee of Experts, C. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Falkland Islands (Islas Malvinas)* 2012. <http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2700646,103639,Falkland%20Islands%20(Malvinas),2011> [source on file]

5. ILO Committee of Experts (CEACR). *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Falkland Islands (Islas Malvinas)*

International Labor Organisation; 2014 <http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3145578> [source on file with United States Department of Labor].

6. Kingdom, U. *Children and Young Persons Act 1933*. 1933 amended 1992. <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12> [on file with U.S. Department of Labor].

7. Government of the United Kingdom of Great Britain and Northern Ireland. *South Atlantic Territories: The Falkland Islands Constitution Order 2008*, enacted November 5, 2008. <http://www.legislation.gov.uk/uksi/2008/2846/pdfs/uksi_20082846_en.pdf>.

8. Kingdom, U. *UK Sexual Offences Act*. 2003. [source on file].

9. United Kingdom. *Armed Forces Enlistment Regulations* Defense UKMo, 2009. 1-18-4. <http://www.legislation.gov.uk/uksi/2009/2057/regulation/4/made> [Source on File].

10. Government of the Falkland Islands. *Education*, [previously online] [cited February 13, 2012]; <http://www.falklands.gov.fk/Education.html> [source on file].

11. UN Committee on the Rights of the Child. *Implementation of the Convention on the Rights of the Child: Overseas Territories and the Isle of Man: Responses to the list of issues raised in connection with the consideration of the third and fourth periodic report of the United Kingdom of Great Britain and Northern Ireland*. Geneva; 2008. Report No. CRC/C/GBR/4. <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.Q.4.Add.2.doc>.

12. 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> [source on file].

13. United Kingdom. *United Kingdom Armed Forces Act*. 2006. 186. <http://www.legislation.gov.uk/ukpga/2006/52/pdfs/ukpga_20060052_en.pdf> [source on file].

14. Jonathan Owen. *One in Six Recruits to Army is Aged 16*. The Independant. London: [*Accessed*: March 2014] 2011. <http://www.independent.co.uk/news/uk/home-news/one-in-six-recruits-to-army-is-aged-16-2290403.html> [Source on File]

15. United Kingdom Parliament Defence Committee. *Written Evidence from the Peace Pledge Union*. (Publications and Records); 2013. <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmdfence/576/576vw06.htm> [source on file].