

Falkland Islands (Islas Malvinas)

NON-INDEPENDENT COUNTRIES AND TERRITORIES

MINIMAL ADVANCEMENT

In 2015, the Falkland Islands made a minimal advancement in efforts to prevent the worst forms of child labor. The Government's Safeguarding Children Board coordinated child protection efforts, including efforts to prevent the sexual abuse of children. Although there is no evidence that suggests the worst forms of child labor are a problem, the minimum ages for work and hazardous work do not meet international standards. 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 use of children in drug production and trafficking is prohibited. These gaps leave 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 BOTs, 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 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; Section 18 of the Children and Young Persons Act (4, 5)
Minimum Age for Hazardous Work	Yes	15	Section 4A of the United Kingdom Employment of Women, Young Persons, and Children Ordinance; Section 18 of the Children and Young Persons Act (4-6)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Section 3 of the Employment of Children Ordinance (4, 6)
Prohibition of Forced Labor	Yes		Chapter 1, Section 4 of the Falkland Islands Constitution Order (7); Part 1, Sections 57–60 of the Sexual Offences Act (8)
Prohibition of Child Trafficking	Yes		Part 1, Sections 57–60 of the Sexual Offences Act (8)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Part 1 of the Sexual Offences Act (8)
Prohibition of Using Children in Illicit Activities	Yes		Drug Trafficking Ordinance (6)
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: Non-Combat:	18 17	Legislative Title unknown (3)
Compulsory Education Age	Yes	16	Education Amendment Ordinance of 2008; Chapter 1, Section 12 of Falkland Islands Constitution Order (7, 9)
Free Public Education	Yes		Education Amendment Ordinance (9, 10)

* No conscription (11)

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.(6) The EWYPC Ordinance makes it illegal to employ children under age 14 in work that exposes them to physical, psychological, or sexual abuse.(10) The EWYPC Ordinance protects these children from night work, work underground, work underwater, work at dangerous heights, and work in confined spaces, as well as from work that requires using dangerous machinery, equipment, or tools without training and supervision.(4, 6) Research did not find whether the Drug Trafficking Ordinance prohibits adults from using, procuring, and offering a child in the production and trafficking of drugs.(4, 6)

Although child trafficking has not been identified as a problem in the Falkland Islands, the UK legal system and Falkland Islands Ordinances do not appear to protect children, specifically young people older than age 16, from internal and cross-border trafficking for labor exploitation.(4, 7, 8)

The Government of the Falkland Islands passed the Children Ordinance of 2014 with the aim of providing additional legal protection for children on the islands.(12) Research did not find whether this law addresses child labor, including its worst forms.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

Even though there is no evidence of a problem, the Government has established an institutional mechanism to monitor the implementation of child labor laws in the Falkland Islands (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Royal Falkland Islands Police	Enforce laws protecting children against abuses, including sexual abuses.(13)

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

Although there is no evidence of a problem, the Falkland Islands has established a mechanism to prevent the worst forms of child labor (Table 4).

Table 4. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Falkland Islands Safeguarding Children Board	Ensure children's welfare, including protection from sexual abuses. 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) In 2015, the Safeguarding Children Board continued to raise awareness about child protection, including the need for prevention of child sexual abuse.(14)

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.

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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 5).

Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimum age for work to 15 to comply with international standards	2015
	Ensure that the minimum age for hazardous work is 18 or it is 16 and (1) children receive adequate training in the type of work; and (2) the health, safety, and morals of children are protected.	2015
	Clarify whether the law prohibits the use of children in the production and trafficking of drugs.	2013 – 2015
	Clarify whether the law protects all children under age 18 from being trafficked for any purpose, including labor exploitation.	2012 – 2015
	Clarify whether the Children Ordinance of 2014 provides protection from child labor, including its worst forms.	2015

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